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gnifyng to
the mayntey[illegible]
neſſe: as the ſafegarde of his countrey and
priuate gooddes.
Fodare, vſed of olde writers for Fodere.
Fodico,aui,are, to perſe or pricke, to bore.
Fodicare dolore, to greue or make ſorowful
Fodina,ę,f.g.a place wher a thyng is digged,
a quarrie, a myne.
Fodio,fodi,fodere, to delue, to digge,to eare.
Fodere argentum, vel metallum, to myne
for ſyluer or other metall.
Fodere ora haſtis, to thruſte theyr ſpeares in
mens faces.
Fodere ſtimulo, to pricke with a goade.
Fodere terram,to eare or delue the grounde.
Fodiri, is vſed of Columella in the fourthe
conjugacion.
Fœcundè, plentifully, aboundantly.
Fœcunditas,atis,f.g. fertilitee, plentie.
Fœcũdo,aui,are,to make fruitful or plentuous
Fœcundus,a,um, plentuouſe,or fruitfull, full.
Fœcundi calices, full cuppes.
Fœcundus et vber.
Fœcunda mulier, a woman with childe.
Fœcialis,looke Fecialis.
Fœdè, villanouſely, ſhamefully, vnhoneſtly,
fylthily, cruelly.
Fœderatus, a, um, confederate, one that is in
a legue or alſaunce.
Fœdero,aui,are, to confederate.
Fœdifragus, a breaker of league or truce or en-
tercourſe.
Fœditas,atis,f.g. fylthyneſſe, diſhoneſtie, cru-
elneſſe, yll fauouredneſſe.
Fœditas odoris, the noyng of a ſtynkyng &
ample.
Fœdum in modum laceratus verberibus,
ſcorged or beaten, that it wolde lothe a man
to ſee it.
Fœdus odor, a poyſon ſtronge ſauour.
Fœdiſsima tempeſtas, a verie great or foule
ſtorme or tempeſte.
Facinus fœdum, a ſhamefull or abhomina-
ble acte, a cruell deed.
Bellum fœdiſsimum, a verie cruell warre,
wherin is ſhewed no mercie nor pitie.
Fœlicitas,atis,f.g. felicitie,proſperitee,aboun-
daunce of all thynges.
Fœlicitas terræ, the fruitfulneſſe of the erth.
Fœliciter, happilie, fortunately.
Fœlicito,aui,are, to make proſperouſe,happy,
or fortunate.
Fœlix,icis,om.g. haupng aboundaunce of all
thynges,proſperouſe,happie, commodiouſe,
or profitable. Also fatte, fruitfull, plenti-
full, aboundant, fertyle, ſometyme proſpe-
fauourable or good.
Fœmen, looke Femen.
Fœmina,æ,f.g. a woman, alſo in beaſtes, the
female.
Fœmineus,a,um, of a woman,or of the female
kynd. Fœmineus amor, inordinate or im-
moderate loue.
Fœmininus,a,um, of the female kynde.
Fœnarius,a,um, pertaynyng, to haye.
Falces fœnariæ, hookes or ſythes for to
cutte haye.
Fœnebris,bre, pertaynyng to vſurie,or vnrea-
ſonable gayne.
Fœnebres leges, lawes made againſt vſurie
Fœneralia, orum, the date of patement of the
money

other planetes.

Fœnerari ab aliquo, to bozowe money of a man to vsurie.

Fœnerari aliquid alicui, to lende out a thing to vsurie.

Fœnicularium,rij,neu.g. after some interpretours,a place where an armie dooeth lie.

Fœniculum,li,n.g. Fenell.

Fœnile,lis,n.g. an haye house,an haye lofte, a place where haye lyeth.

Fœnisęca,æ,com.g. a mower of haye.

Fœnisecium,ij,n. g. haye harueste.

Fœnisex,secis,com.g. a mower of haye.

Fœnum græcum, fengreke.

Fœnum,ni,n.g. haye.

Fœnusculum,i,n. g. gayne by lendyng.

Fœnus,oris,n.g.fruit,whiche the earthe bringeth fooythe without any labour. Also vnreasonable and vnmeasurable gayne compyng of that thyng whiche is lent,vsurie.

Cædere fœnus argenti, and dare fœnori pecuniam, to lende out money to vsurie.

Fœnore accipere,to borow money by vsury.

Quum quinquagesimo fœnore reddit fœlicitas soli, the fruitfulneſſe of the grounde yeldeth fyftie for one.

Fœstuca,æ,looke Festuca.

Fœteo,tui,ēre, to stynke, to sauour yll.

Fœtiditas,atis,f.g. a stynke or yll sauour.

Fœtidus,a,um stynkyng.

Fœtifer,a,um, fruitefull.

Fœtifico,aui,are, to bryng fooyth, moste comonly as a beaste or birde dooeth.

Fœtificus,a,um, that maketh fruitfull.

Fœto,aui,are, the same.

Fœtor,oris,m.g. stynche, or yll sauour.

Foliatus,a,um, leaued, or hauyng leaues.

Foliosus,a,um, full of leaues.

Folium,ij, n.g. a leaffe.

Amittere folia, whan the leaues fall.

Follico,aui,are,to snuffe or fetche backe winde with the nostrilles.

Folliculare,ris, a parte of an ore.

Folliculus,li,m.g. the huske,wherin the eares of wheate or other corne is enclosed, whan it is grene, called the hose. Also a sacke,wherin corne is put: sometyme a ball stuffed with wynde. Sometyme it is taken for the bodie of a man.

Follis,is, m.g. a bagge or purse, or any thyng made of lether to be fylled: a bellowe,wherwith the fyre is blowne: also a ball blowne full of wynde. Semblably, a bedde stuffed onely with wynde.

Follis fabrilis,a smithes bellowes.

Follitus, a, um, that is couered or wrapped in lether.

Fomentatio,onis,idem quod Fomentum.

Fomentum,i,n. g. a nourysshement of naturall heate. It is also any thynge layed to the bodie in the fourme of a playster, to mitigate the griefe or peyne of any disease, called Fomentacion. And by translation applied to the mynd: a thyng that asswageth or mitigateth sorowe or heauinesse.

Fomes,itis,m.g.a chip, or any matter, wherwith fyre is kendled and kepte burnynge. sometyme it signifieth that whiche feruently stereth vs to dooe a thyng.

Fons,ontis, m. g. a fountaine or well,the begynnyng or principall cause of a thyng.

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John Durham 1709.

SPEECHES AND PASSAGES

Of This

GREAT and HAPPY

Parliament:

From the third of *November*, 1640,
to this instant *June*, 1641.

Collected into One Volume, and
according to the most perfect Originalls,
exactly published.

LONDON,

Printed for *William Cooke*, and are to be sold at his shop,
at *Furnifalls-Inne-gate*, in Holbourne, 1641.

The Contents.

HIS *Majesties first speech, Novem.* 3. 1640.
His Majesties second speech, Novem. 5. 1640.
His Majesties third speech to both houses, Jan. 25. 1640.
His Majesties speech, at the passing of the Bill for a Trieniall Parliament.
His Majesties Letter sent by the Prince, in the behalf of the Earl of Strafford to the Lords.
The Lords Answer.
That Bishops ought not to have voyce in Parliament.
Lord Keepers speech in the upper house of Parliament, Novem. 3. 1640.
Master Speakers speech. *Fol.* 1.
Lord Digbyes speech, Novem. 9 1640. *concerning grievances and the trieniall Parliament.*
Lord Digbyes second speech for trieniall Parliament, Fol. 12.
The Honourable Nathaniels Fynes his speech, 22
Master Rous his speech before the Lords against Doctor Cousins, Doctor Manwaring, and Doctor Beale 45
The second speech of the Honourable Nathaniel Fynes 49
Lord Digbyes speech, concerning Bishops London petition, Feb. 9. 65
Lord Finch his recusation 76
Lord Falklands speech after the reading the Articles of the Lord Finch, 83
Sir Edward Deering first speech, 88
His second speech, 90
His third speech, 93
His forth speech, 97

55519

Master Bagshawes speech concerning Bishops and the London petition, 99
Sir Benjamen Ruddyers first speech, 103
His second speech, 110
His third speech, 113
Master Pyms Message, for the commitment of my Lord Strafford, 116
Articles against the Lord Strafford, 117
Further impeachment of Thomas Earl of Strafford, 120
Earl of Bristows speech, December 7, 143
Master Mynards speech in reply to the Lord Strafford, 145
The Earl of Bristows speech upon the delivering of, by him the Scottish Remonstrance, 150
His Majesties speech to both Houses, Feb.3. 1640. 159
Londoners first petition, 161
Their grievances by the Prelates, 162
Resolution of the sixt demand by the Commons, 171
The Scots Answer to the resolution, *Ibid.*
The Peares demand upon the foresaid Answer, 172
The Scots Commissioners Answer, *Ibid.*
Articles against Secretary Windibanck, 174
A speech made by the Lord Finch in the Commons House, Novem.21. 1640. 169
Master Grimstons second speech, 179
A message sent by the Queen to the House of Commons, by Master Comptroller, 185
The report of the Kings message by the Lords, to the House of Commons, Jan.29. 1640. 184
Sir Thomas Rows speech, 185
Lord Falklands speech, 188
Master Pyms speech after the Articles of Sir George Ratcliff, 198
His second speech after the reading of the Articles, 202
Master Speakers speech presenting these Bills for shortning of Michaelmas term, pressing of Maryners for the remainder

of

of sixe Subsidies, 204
Master Pleadwels speech, 206
Sir Thomas Rowes reports to the Committe, 209
Master Righyes answer to the Lord Finch his last speech, 221
Master Wallers speech, 224
Master Hollis his speech delivered with the Protestation, 232
Orders for the taking of the Protestation, 236
Master Grimstons third speech, 205
Lord Digbyes speech upon the Bill of attainder of the Lord Strafford, 213
Lord Straffords speech on the Scaffold,
Sixteen queres, 233
Captain Audleyes Mervins speech, 237
His speech at the peachment of Sir Richard Boulton Knight, and others, 249
Articles against Sir Richard Boulton, 256
Sir Thomas Wentworths first speech, March 22, 1637, His second speeeh, April 21, 1628. 259
A petition to the Lord Deputy, 262
A speech against the Judges, 267
A discourse concerning the power of Pears in Parliament, 275
Sir John Hollands speech, 281
Sir Edward Hales speech, 284
Sir Johns Wrayes speech concerning the Commons, 288
Sir John Wrayes second speech, 290
Preamble with the Protestation, 300
Bill of Attainder against the Earl of Strafford, 303
Vicount Newarks first speech, for the right of Bishops, 305
His second speech for their Temporall affaires,
Master Peards against the oath Exofficio, 313
Master Speakers letter to Sir Jacob Ashley, 315
Articles against the Bishop of Bath and Wells, 318
Sir B. Ruddyers speech, 3 6

His Speech concerning the Queenes Joynture. 317. 321
Lord Andevers Speech concerning the Star-Chamber,
An order May 10, 1641. that no English shall frequent the Ambassadors to hear Masse.
Lord Finch his Letter to the Lord Chamberlain, 324
Lord Keepers Speech to his Majesty, in the name of both the Houses. 325
Declaration of the Scots, touching the maintenance of their Army. 326
The humble Remonstrance delivered by the Lord Keeper, 528
The Earl of Straffords Letters to his Majesty. 332
Earl of Straffords Petition before he died to both Houses. 225
The Lord Falklands first Speech in Parliament. 336
Sir Jo. Culpeppers Speech. 342
Mr. Bagshawes Speech, 7 No. 1640. 545
Petition of the Earl of Straf. for examination of witnesses. 348
Order concerning the prices of Wine. 350
Sir Tho Roxes Speech concerning Bassemony.
Remonstrance of the Parliament in Ireland. 321
A Message from the House of Commons to his Majesty;
His Majesties answer. 328
Vote concerning the Cannons. Ibidem.
Order concerning Monopolies. 329
Order against Monopolies. Ibidem.
The Scottish Commissioners thanks to his Majesty. 330
The humble Remonstrance of the Mr. Wardens of Vintners. Ibidem.
Petition of Oxford. 383
Sergeant Glanvils Speech. 388
Secretary Windebancks Letter to the Lord Chamberlain. 393
Lord Andevers Speech concerning pacification. 327
An Order against drinking on the Sabbath day. 401
Sir John Wraye occasionall Speeches.
1 *Concerning Religion.* 401
2. *Upon the Scottish treaty.* 403
3. *Impeachment of the Lord Strafford.* 404
4. *Upon*

4. *Upon the Straffordarian knot.* 406
5. *Upon the same Subject.*
6. *A seasonable motion for a loyall Covenant.* 408
Mr. Hides Argument. 409
Mr. White concerning Episcopacy. 417
Cities second Petition.
The Kentish Petition
Sir John Wrayes ninth speech.
Lord Digbies speech. 455
Mr. Pyms speech. 458
Sir Thomas Barringtons speech.
Accusation of Sir George Ratcliffe. 504
The charge of the Scottish Commissioners against Canterbury. 505
Sir Henry Vanes speech against Bishops.
The Charge of the Scotch Commissioners against the Lieutenant of Ireland 519
The Scotch Commissioners demand concerning the sixth Article. 525
The English Peeres demand concerning the preceding Articles. 531
The Scotch Commissioners answer to the demand. *Ibid.*
Captain Audley Mervins speech concerning the Judicature of the Parliament.
The Speakers speech at the presenting of the bill of Tunnage and Poundage.
His Majesties speech concerning it.
Mr. Pyms Relation of the whole matter of my Lord of Stafford.
Mr. St. Johns Argument.

The KINGS Majesties First Speech in Parliament the third of *November*, 1640.

My Lords,

THe knowledge I had of the desires of my Scottish Subjects, was the cause of my calling the last Assembly of Parliament, wherein had I beene beleeved; I sincerely thinke, that things had not fallen out as now we see: But it is no wonder that men are so slow to beleeve that so great a sedition should be raised on so little ground. But now my Lords, and Gentlemen, the honour and safety of this Kingdome lying so neerely at the stake; I am resolved to put my self freely and cleerly on the love and affections of my English Subjects, as these of my Lords that did wait on me at *York*, very well remember I there declared. Therefore my Lords, I shall not mention mine own intereſt, or that support I might justly expect from you, till the common safety be secured; though I must tell you I am not ashamed to say, those charges I have been at, have been meerly for the securing and good of this Kingdome, though the successe hath not been answerable to my desires. Therefore I shall only desire you to consider the best way both for the safety and security of this Kingdome, wherein their are two parts chiefly considerable. First, the chastising out of the Rebells. And secondly, that other, in satisfying your just grievances, wherein I shall promise you to concurre so

heartily and cleerely with you, that all the World may see my intentions have ever beene and shall be, to make this a glorious and flourishing Kingdome. There are only two things that I shall mention to you; First, the one is to tell you that the Loane of money which I lately had from the City of *London*, wherein the Lords that waited on me at *Yorke* assisted me, will only maintain my Armie for two moneths from the beginning of that time it was granted. Now my Lords, and Gentlemen, I leave it to your considerations, what dishonour and mischiefe it might be, in case for want of money my Armie be disbanded, before the Rebells be put out of this Kingdome. Secondly, the securing the calamities the Northern people endure at this time, and so long as the treaty is on foot. And in this I may say not only they, but all this Kingdome will suffer the harme; therefore I leave this also to your consideration, for the ordering of these great affairs whereof you are to treat at this time. I am so confident of your love to me, and that your care is for the honour and safety of the Kingdome, that I shall freely and willingly leave to you where to begin: only this, that you may the better know the state of all the Affairs. I have commanded my Lord Keeper to give you a short and free accompt of these things that have happened in this interim, with this Protestation, that if this accompt be not satisfactory as it ought to be - I shall whensoever you desire, give you a full and perfect accompt of every particular. One thing more I desire of you, as one of the greatest means to make this a happy Parliament; That you on your parts, as I on Mine, lay aside all suspition one of another, as I promised my Lords at *Yorke*; It shall not be my fault if this be not a happie and good Parliament.

The.

The *Kings* ſpeech in Parliament the fift of *November*, 1640.

My Lords,

I do expect that you will haſtily make relation to the Houſe of Commons, of thoſe great affairs for which I have called you hither at this time, and for the truſt I have repoſed in them, and how freely I put my ſelfe on their love and affections at that time; and that you may know the better how to do ſo, I ſhall explaine my ſelfe concerning one thing I ſpake the laſt day. I told you the Rebells muſt be put out of this Kingdome; it's true, I muſt needs call them ſo, ſo long as they have an Armie that do invade us; and although I am under treaty with them, and I under my great Seale do call them Subjects, and ſo they are too, but the ſtate of my Affairs in ſhort is this. It's true, I did expect when I did will my Lords and great ones at *Yorke*, to have given a gracious anſwer to all your grievances; for I was in good hope by their wiſedomes and aſſiſtances to have made an end of that buſineſſe, but I muſt tell you that my Subjects of *Scotland* did ſo delay them, that it was not poſſible to end there: Therefore I can no wayes blame my Lords that were at *Rippon*, that the treaty was not ended, but muſt thanke them for their pains and induſtry, and certainly had they as much power as affections, I ſhould by that time have brought theſe diſtempers to a happy period; ſo that now the treaty is tranſported from *Rippon* to *London*, where I ſhall conclude nothing without your knowledge, and I doubt not but by your approbation; for I do not deſire to have this great work done in a corner, for I ſhall lay

open all the steps of this mis-understanding, and causes of the great differences between Me and my Subjects of *Scotland*. And I doubt not but by your assistance to make them know their duty, and also by your assistance to make them return whether they will or no.

The *Kings* Speech to both the Houses, *Ianuary* 25. 1640.

My Lords,

THe Knights, Citizens, Burgesses; The principall cause of my comming here at this time, is by reason of the slow proceedings in Parliament, touching which is a great deale of inconvenience.

Therefore I think it very necessary to lay before you the state of my affairs as now they stand, therby to hasten (not interrupt) your proceedings.

First, I must remember you that there are two Armies in the Kingdome, in a manner maintained by you, the very naming of which, doth more cleerly shew the inconvenience thereof, then a better tongue then mine can expresse.

Therfore in the first place, I shall recommend unto you the quick dispatch of that businesse, assuring you that it cannot rest upon me.

In the next place I must recommend unto you the State of my Navie and Forts; the condition of both which is so well known unto you, that I need not tell you the particulars, only thus much; they are the Walls and defence of this Kingdome, which if out of order, all men may easily judge what incouragement it will be to

Our

Our enemies, and what disheartning to our friends.

Last of all, (and not of the least to be considered) I must lay before you the distractions that are at this present occasioned through the cause of Parliament; for there are some men that more maliciously than ignorantly, will put no difference betweene Reformation, and alteration of government.

Hence it commeth that divine Service is irreverently interrupted, and Petitions in an ill way given in, neither disputed nor denied. But I will enter into no more particulars, but shew you a way of remedie, by shewing you my cleer intentions, and some marke that may hinder this good worke.

I shall willingly and cheerfully concur with you for the Reformation of all Innovations both in Church, and Common-wealth, and consequently that all Courts of Justice may be reformed according to Law. For my intentions is cleerly to reduce all things to the best and purest times as they were in the time of Queen *Elizabeth*.

Moreover, whatsoever part of my Revenue shall be found illegall or heavy to my Subjects, I shall be willing to lay down, trusting in their affections. Having thus cleerly and shortly set down my intentions, I will shew you some rubs, and must needs take notice of some very strange (I know not what terme to give them) Petitions given in the name of divers Counties, against the established government of the Church, and of the great threatnings against the Bishops, that they will make them to be but a Cipher, or at least taken away.

If some of them have incroached too much upon the Temporaltie (if it be so) I shall not be unwilling these things should be redressed and reformed, as all other abuses according to the wisdome of former times; so farre I shall go with you, no further.

If upon serious debate you shall shew that Bishops have some Temporall Authority, not so necessary for the go-

vernment of the Church, and upholding Episcopall Jurisdiction; I shall not be unwilling to desire them to lay it down, but this must not be understood, that I shall any way consent that their voice in Parliament should be taken away; for in all the times of my Predecessors since the Conqueſt, and before, they have enjoyed it; I am bound to maintain them in i, as one of the fundamentall Institutions of this Kingdome.

There is one other Rock you are on, not in substance, but in service; and the forme is so essentiall, that unlesse it be reformed, will split you on that Rock.

There is a Bill lately put in concerning Parliaments. The thing I like well to have frequent Parliaments, but for Sheriffes and Constables to use my Authoritie, I can no wayes consent unto.

But to shew that I desire to give you content in substance as well as in shew, that you shall have a Bill for doing thereof, so that it do not trench neither against my Honor, neither against the ancient Prerogatives of the Crowns concerning Parliaments, Ingeniously confesse, often Parliaments is the fitteſt means to keep correspondencie betweene Me and my People, that I doe so much desire.

To conclude, now all that I have shewen you, the state of my Affairs, My own cleere intentions, and the Rocks I would have you shun.

To give you all contentment, you shall likewise finde by these Ministers, I have, or shall have, about me for the effecting of these my good intentions, which shall redouble the peace of the Kingdome, and content you all. Concerning the conference, you shall have a direct answer on Monday, which shall give you satisfaction.

The

The *Kings* ſpeech to both Houſes of Parliament in the *Lords* Houſe, at the paſsing of the Bill for a Trieniall Parliament, the 16th of *November*, 1640.

MY Lords, and you the Knights, Citizens, and Burgeſſes of the Houſe of Commons; you may remember when both Houſes were with Me at the Banquetting Houſe at *Whiteball*, I did declare unto you two Rocks I wiſhed you to eſchew, this is the one of them, and of that conſequence, that I thinke never Bill paſſed here in this Houſe of more favour to the Subjects then this is, and if the other Rocke be as happily paſſed over as this ſhall be at this time, I do not know what you can aske for ought I can ſee at this time, that I can make any queſtion to yeeld unto: Therefore I mention this to ſhew unto you the ſence that I have of this Bill, and obligation as I may ſay that you have to me for it, for hitherto, to ſpeake freely, I have had no great incouragement to doe it; if I ſhould looke to the outward face of your actions or proceedings, and not looke to the inward intentions of your hearts, I might make queſtion of doing it.

Hitherto,

Hitherto you have gone on in that which concernes your ſelves to amend, and yet thoſe things that meerly concernes the ſtrength of this Kingdom, neither for the State, nor my own particular.

This I mention, not to reproach you, but to ſhew you the ſtate of things as they are, you have taken the Government almoſt in peeces, and I may ſay, it is almoſt off the hinges.

A skilfull Watchmaker to make cleane his Watch, he will take it a ſunder, and when it is put together, it will go the better, ſo that he leave not forth then one pin in it.

Now as I have done all this on my part, you know what to do on your parts, and I hope you ſhall ſee cleerly that I have performed really what I expreſſed to you at the beginning of this Parliament, of the great truſt I have of your affections to me, and this is the great expreſſion of truſt, that before you do any thing for me, that I do put ſuch a confidence in you.

***

His

HIS MAJESTIES Letter to the Lords on the behalf of the Earle of *Strafford*, sent by the PRINCE.

My Lords,

I Did yesterday satisfie the Justice of the Kingdome by passing of the Bill of Attainder against the Earle of *Strafford*; but mercie being as inherent, and inseparable to a King as Justice. I desire at this time in some measure to shew, that likewise by suffering that unfortunate man to fulfill the naturall course of his life in a close imprisonment; yet so, that if ever he make the least offer to escape, or offer directly, or indirectly to meddle in any sort of Publique businesse; especially with me, either by Message, or Letter, it shall cost him his life without further Processe. This, if it may be done without the discontentment of my People, will be an unspeakable contentment to me.

To which end, as in the first place, I by this Letter do earnestly desire your approbation, and to endeare it the more, have chosen him to carry it, that of all your House is most dear to me. So I desire that by a conference, you will endeavour to give the House of Commons contentment: Likewise assuring you, that the excuse of mercy is no more pleasing to me, then to see both Houses of Parliament consent for my sake, that I should moderate the severity of the Law, in so important a case.

I will not say that your complying with me in this my intended mercie, shall make me more willing, but certainly t'will make me more cheerfull in granting your just grievances. But if no lesse than his life can satisfie my People, I must say *fiat justitia*. Thus again recommending the consideration of my intentions to you, I rest.

Whitehall the 11th *of* May, 1641.

Your unalterable and affectionate Friend,

CHARLES, R.

If he must dye, it were charity to Reprieve him till Satterday.

May 11th 1641.

THis Letter all written with the Kings own hand, the Peers this day received in Parliament, delivered by the hand of the Prince. It was twice read in the House, and after serious and sad consideration, the House resolved presently to send 12. of the Peers Messengers to the King; humbly to signifie, that neither of the two intentions expressed in the Letter, could with duty in them, or without danger to himselfe, his dearest Consort the Queene, and all the young Princes their Children, possibly be advised: With all which being done accordingly, & the reasons shewed to his Majesty, He suffered no more words to come from them, but out of the fulnesse of his heart to the observance of Justice, and for the contentment of his people, told them, that what he intended by his Letter was with an (if) if it may be done without discontentment

tentment of his People; if that cannot be, I say againe the same that I writ, *fiat justitia*. My other intention proceeding out of charity for a few dayes respite, was upon certain information that his Estate was so distracted, that it necessarily required some few dayes for settlement thereof.

Whereunto the Lords answered, their purpose was to be Suitors to his Majesty for favour to be shewed to his innocent Children; and if himselfe had made any provision for them, that the same might hold.

This was well liking to his Majesty, who thereupon departed from the Lords; at his Majesties parting they offered up into his hands the Letter it selfe which he had sent; but He was pleased to say, my Lords, what I have written to you, I shall content it be Registred by you in your House. In it you see my minde, I hope you will use it to my honor.

This, upon returne of the Lords from the King, was presently reported to the House by the Lord Privy Seal, and ordered, that these Lines should go out with the Kings Letter, if any copy of the Letter were dispersed.

THAT BISHOPS ought not to have Votes in PARLIAMENT.

1 BEcause it is a very great hinderance to the exercise of their Ministeriall Function.

2 Because they doe vow and undertake at their Ordination when they enter into holy Orders, that they will give themselves wholly to that Vocation.

3.4 Because Counsells and Canons in severall Ages, do forbid them to meddle with secular affairs, because 24 Bishops have dependancie on the two Archbishops, and because of their Canonicall obedience to them.

5 Because they are but for their lives, and therefore are not fit to have legislative power over the honors, inheritance, persons, and liberties of others.

6 Because of Bishops dependancie, and expecting translations to places of great profit.

7 That severall Bishops have of late much incroached upon the consciences and liberties of the Subjects; and they, and their Successors will be much incouraged still to incroach, and the Subjects will be much discouraged from complaining against such incouragements if 26 of that Order, be to be Judges of those complaints, the same reason extends to their legislative power in any Bill to passe for the regulation of their power, upon any emergent inconveniencie by it.

8 Because

8 Becauſe the whole number of them is intereſſed to maintaine the juriſdiction of Biſhops, which hath beene found ſo grievous to the three Kingdomes, that *Scotland* hath utterly aboliſhed it, and multitudes in *England*, and *Ireland* have petitioned againſt it.

9 Becauſe Biſhops being Lords of Parliament, it ſetteth too great a diſtance betweene them, and the reſt of their Brethren in the Miniſtry, which occaſioneth pride in them, diſcontent in others, and diſquiet in the Church.

To their having Votes a long time.

Anſw. If inconvenient Time and uſage are not to be conſidered with Law-makers; ſome Abbots voted as anciently in Parliament as Biſhops, yet are taken away. Therefore the Biſhops Certificate to plenary of Benefice and loyalty of Marriage, the Bill extends not to them.

For the ſecular Juriſdictions of the Deane of *Weſtminſter*, the Biſhops of *Durham*, and *Ely*, and the Archbiſhop of *Yorke*, which they are to execute in their owne perſons, the former reaſons ſhew the inconveniencies therein.

For their Temporall Courts and Juriſdictions which are executed by their Temporall Officers, the Bill doth not concerne them.

The Lord *Keepers* Speech in the Upper Houſe of Parliament.

Novemb. 3. 1640.

My Lords,

AND you the Knights, Cittizens, and Burgeſſes of the Houſe of Commons, you have been ſummoned by His Majeſties Gracious Writ, under the great Seal of *England*, and you are here this day aſſembled for the holding of a Parliament. The Writ tels you tis to treat, and conſult of the High, Great, and weighty affairs, that concern the eſtate and ſafety of the Kingdom. It tels you true, that ſince the Conqueſt, never was there a time that did more require, and pray for the beſt advice and affection of the *Engliſh* people. It is ill viewing of objects, by viewing them in multiplying Glaſſe, and it is almoſt as miſchievous in the ſpeech of ſuch a broken Glaſſe, which repreſents but to the half. The onely and the perfect way is to look in a true Mirror. I will not take upon me to be a good looker in it, I will onely hold it to you to make uſe of it.

The Kingdom of *England* is this multiplying Glaſſe, you may there ſee a State which hath flouriſhed for divers hundred yeers, famous for time of peace and warre, glorious at home, and ever conſiderable abroad. A Nation to whom never yet any Conqueror gave new Laws, nor aboliſhed the old, nor would this Nation ever ſuffer a Conqueror to meddle with their Laws, no not the *Romanes*, who yet when as they ſubdued all the people, made

made it part of the Conqueſt, to leave their Laws in triumph with them. For the *Saxons*, *Danes*, and the *Normans*, if this were a time to travell into ſuch particulars, it were an eaſie task to make it appear, that it never changed the old eſtabliſhed Lawes of *England*, nor ever brought in any new, ſo as you have the frame and conſtitution of a Common-wealth, made glorious by antiquity. And it is with States, as with perſons and families, certainly an interrupted pedigree doth give luſtre. It is glorious in the whole frame, worth your looking upon, long and your conſideration in every part.

The King is the head of the Common-wealth, the Fountain of Juſtice, the life of the Law, He is *anima & deliciæ legis*.

Behold Him in His glorious Anceſtors, that have ſo ſwayed the Scepter of the Kingdome.

Behold Him in the high attributes, and the great prerogatives, which ſo ancient and unalterable Laws have given, and inveſted him with.

Behold Him in the happy times, that we have ſo long lived, under His Monarchiall government.

For His excellent Majeſty, that now is our moſt Gracious Soveraign; you had need wipe the Glaſſe, and wipe your eyes, and then you ſhall truely behold him a King of exemplary Pietie, and Juſtice, and a King of rare endowments, and abilities of nature, and what he hath got by acquiſition, depth of judgement, quickneſſe of apprehenſion, unparaleld moderation in great Councels, and great affaires, ſuch as you my Lords that had the happineſſe to attend Him at the Councell of the Peeres at *York*, to your great joy and comfort can witneſſe, and after ages will remember, to His eternall honour and fame.

For His juſt and pious Government, I dare boldly ſay that if any under Him as our Inſtrument, have had the diſtributing of juſtice to His people, have not done as they ought, the fault is their own, and they have done

contrary

contrary to the Royall Nature, and expreſſe Command of our Gratious Soveraign, from whom I have often learned this golden Rule, and Maxim, he ſerves me beſt, that ſerves me with honeſty and integrity.

Behold Him in another part of Himſelf, in His deareſt comfort, our Gracious Queen, the mirror of Vertue, from whom ſince Her happy arrivall here, now above three luſtres of yeeres, never any Subject record other then gratious and benigne Influence; and I dare avow as She is neereſt and deareſt to our Soveraign, ſo there is none whoſe affections and endeavours (His Majeſty onely excepted) hath, or doth, or can cooperate more to the happy ſucceſſe of this Parliament, and the never to be equalled joy, and comfort of a right underſtanding between the King, and His people.

Behold Him in His beſt image, our excellent young Prince, and the reſt of the Royall, and lively Progeny in whom we cannot but promiſe to our ſelves, to have our happineſſe perpetuated.

From the Throne turn your eyes upon the two ſupporters of it, on the one ſide, the Stemne of honour, the Nobility, and Clergy, on the other ſide, the Gentry and Commons.

Where was there, or is there in any part of the world a nobility ſo numerous, ſo magnanimous, and yet with ſuch a temper, that they neither ecclipſe the throne, nor overtop the people, but keep in a diſtance fit for the greatneſſe of the Throne.

Where was there a Common-wealth ſo free, and the ballance ſo equally held, as here? And certainly, ſo long as the beam is ſo held, it cannot be otherwiſe, in right *Anglis*, if you turn the line never ſo little, it groweth quickly accute, or obdure; and ſo in States, the leaſt deviation makes a great change. But His Majeſties great wiſedome and goodneſſe, and the aſſiſtance of the Honourable Aſſembly, I do not doubt will be a means to

make

make us ſtear between the Teophick of moderation, that there be no declenſion from the poole of ſeverity.

I am by His Maieſties Command, to relate to you ſome proceedings ſince the laſt Aſſembly here.

You may remember the Summer preceding this laſt, His Majeſty went with an Army into the North, ingaged in honour ſo to do, by reaſon of the courſes that were taken by divers of the Subjects in *Scotland*, in the prejudice of Monarchy, and rendring leſſe glorious this Kingdom. I know not under what pretence, but all that time they came very neer *England*, with an Army ſo neer that it was believed, they would have then entred and invaded the Kingdome. They did profeſſe the contrary, neither did they want remonſtrations, and declarations, to infuſe this opinion into the hearts of His Majeſties people, before it would by the effects. What their intentions from the beginning were, His Maieſtie by His goodneſſe and wiſedome, ſettled a Peace, and made a pacification at *Barwick*, upon which both Armies were disbanded, which pacification, and every Article of it, His Maieſty for His part hath been ſo far from violating, that whenſoever any queſtion ſhall be made of it, ſhall plainly and clearly appear, it was His care to ſee it in all things performed. On the contrary, thoſe Subiects of His not contented with that grace, which His Maieſty then gave them in thoſe Articles of pacification, they have ſtrained them beyond the bounds and limits of the intention, and meaning; but they over and above attempted, and acted divers things ſo preiudiciall to Monarchy, and contrary, and repugnant to the Law, and ſettled conſtitution, and uſage of that Kingdome, that His Maieſty could not in honour continue at it.

This being made known unto His Maieſty, and to His Privy Councell, by thoſe who beſt knew the State, and affairs of that Kingdom, and that were moſt truſted and imployed by His Maieſty. His Maieſty by the una-

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nimous consent of His Privy Councell, resolved to raise an army to reduce them, to their modest and iust condition of true obedience, and subiection, to defend this Kingdome from all damage and danger, that by their means (how specious soever they shaddow their pretences) they might fall upon it.

His Maiesty then foresaw, and foretold, that the raising of an Army at this time, was but to stand upon their own defence, as they professed, and they had an intention to enter this Kingdome, and to seize upon some place of importance, and eminency, and His Maiesty in particular named *Newcastle*.

Had His Maiesty then had means and money, aswell as he had certain knowledge of their intentions, I do beleeve that these calamities, that have fallen upon that Town, and the Counties adioyning, had been prevented. Perhaps the misinterpretation of His Maiesties intentions, and the misunderstanding of His actions, and I am afraid, the two benigne interpretation of the attempts actions, and professions of the Subiects in *Scotland*, added some impediment to that which the most of us, I hope have lived to repent of.

His Maiesty howsoever went in Person to the North, to see His Army ordered, and to take care for the safety, and defence of this Kingdom, asmuch as he possible could, He had not long been there, but that which he foresaw, and foretold, fell out; for the *Scots* passed with their Army, the Rivers, *Tweed* and *Tine*, and seized upon *Newcastle*, (which) of what importance it is you all know: And that they force contribution of the Counties of *Northumberland*, and the Bishoprick of *Durham*, besides many other spoiles, and distructions, that were committed.

His Maiesty well considering of what weight, and importance this was, and then having neither time nor place to call this assembly of Parliament. He did resolve

as

as had been frequently uſed, to ſummon a great Councell of all the Peeres, that by their advice and aſſiſtance, there might be ſome interruption given to the calamity, that was likely to ſpread over the whole Kingdome, And commanded Writs to iſſue accordingly.

That was not done to prevent, but to prepare for a Parliament.

It was not to claſh, or enter fire with this aſſembly, by acting or ordering any thing which belongeth to this high and ſupream juriſdiction, but onely to give their aſſiſtance for the preſent, to render things more fit for this great aſſembly;

That His Maieſties intention was ſo, it is cleer, for before ever any petition was delivered, or ever any ſpeech of petition for a Parliament, His Maieſty had reſolved to call one.

The Lords underſtood, It ſo will plainly appear by the proceedings of the Aſſembly, of which, if thoſe that were Officers, and Miniſters there had been come to Town, upon whoſe help I reſted, for my particular inſtruction, I ſhould have been better able to have given you an accompt, And His Maieſty was pleaſed to let you know, that when there was an occaſion of any particular, you may be ſatisfied in it. According to His Maieſties command 24. of *September*, all the Peeres were ſummoned, all except ſome few did meet where His Maieſty was. In the firſt place, pleaſed to declare unto us His reſolution to call a Parliament, and to all our ioyes and contents, as he hath now done it to yours and ours, declared that there was nothing he did more deſire then to be rightly underſtood of His people; And whoſoever he be that ſhall go about (effect it, I am ſure he cannot) to attempt or indeavour to alter this gracious declaration, and reſolution of His Maieſty, or whoſoever ſhall go about to poyſon the hearts of His good Subiects, with an opinion that it can be ſo, or leſſon the affection of His

loving Subiects, for certainly never Subiects of the world better loved their King then the *Engliſh*, nor ever did I ever *Engliſh*-men better love a King then now, if (I ſay) there be any ſuch, may a curſe and puniſhment fall upon them, But let the Royall Throne be for ever.

His Maieſty was then pleaſed to tell us the cauſe, for which he had called us together.

In the firſt place, it was touching an anſwer to a petition that had been ſince his coming to *York*. And before His aſſembly came unto him from thoſe His Subiects of *Scotland*, that were at *Newcaſtle*.

The firſt thing that His Maieſty deſired their advice in, was the anſwer to that petition.

The next thing His Maieſty conceived, And all that were there, were of one opinion, with one voyce, and conſent, that it was not fit His Maieſty ſhould disband His Army, ſo long as the *Scotch* Army was on foot; And His Maieſty wiſhed them to take into their conſideration what way to have maintenance, for His Army in the mean time.

His Maieſty having opened the cauſe of calling them together, was pleaſed to expreſſe himſelf that He would leave to the Lords, their freedom of Debate, and himſelf was ready to have been gone from the Councell, but at the humble ſuite of the Lords he ſtayed, And I am perſwaded that nothing was of that ioy to them, as His Maieſties preſence, with ſuch freedome of diſcourſe did every man deliver himſelf, with ſuch grace and ſweetneſſe did his Maieſty hear them, and ſuch content did they take in His moderating, guiding and directing thoſe Councells: My Lords as holding it moſt neceſſary, took the latter of thoſe two conſiderations propounded by His Maieſty, to their thoughts, and that was the ſupplying and ſupporting His Maieſties Army, till this Parliament might take ſome courſe in it: His Maieſty, and my Lords, did declare themſelves, as before I have opened unto you,

that

that they could never attempt, nor have the least thought to make, by any Act or Order, any thing tending to the Subiect, but that it might be left wholly to the supream Jurisdiction. And therefore not seeing any other way, they resolved by letter to addresse themselves to the City of *London*, And with their letters they sent half a dozen of my Lords.

My Lord Privy Seal, my Lord of *Clare* who was appointed to go, but his urgent occasions preven ed him, Viscount *Cambden*, Lord *Coventry*, Lord *Goring* and . And these Lords they did expresse the joy and content they took in the Kings grace and confidence they had of His gracious assistance, was such, that they did freely offer themselves, and as I dare say there is none but is yet ready to enter into security with His Maiesty. And the City gave an answer fit for the Chamber of the King, and part of the money is already lent, and will be ready, I assure my self to supply the rest.

For the other part, the first thing propounded by His Majesty, was touching the answer that was to be given to that petition, and to the demands of the Subjects in *Scotland*, upon which occasion His Majesty was pleased, by those great Officers and Ministers of His, that knew best, and understood the laws, and usages of that Kingdome to expound their demands particularly, and to make appear unto their Lordships upon every one, wherein they had expounded the Articles of pacification, which His Majesty ever desired might be the Square, and Rule of the treaty with them.

My Lords tooke into consideration what was fit to be done, for his Majesty then professed as he did oft, and as he hath done it during the time of that Councell, to be wholy ruled, guided, and directed by their advice, for the honor of this Nation, and safety of it, he did leave it to their wisedomes and considerations; against whose advice, and without whose judgements and advice, he would do nothing.

My Lords, howſoever they had received this information, and explanation upon every particular of their demands, yet in juſtice they thought it was fit to hear what could be ſaid, on the other ſide, how the objection might be anſwered, and what objection might be made by them againſt that which ſeemed to be plain enough.

For this purpoſe they were all of opinion, and his Majeſty was pleaſed to be of the ſame opinion, that ſome Lords ſelected and truſted by that great Councell, ſhould Treate with thoſe Subjects of *Scotland* upon all thoſe particulars, to the end that they might ſee what they did cleerly intend; to the end that if a firm peace which was moſt deſired from us might be had, or a juſt Warre to be begun.

My Lords of the great Councell that were appointed for that purpoſe, were the Earles of *Bedford*, *Hertford*, *Eſſex*, *Salisbury*, *Warwick*, *Briſtow*, *Holland*, and *Barkeſhire*, The Barons were the Lords, *Wharton*, *Paget*, *Rimbolton*, *Brooks*, *Pawlet*, *Howard* of *Eſaieb*, *Savile*, and *Dunſmore*.

After which choice, ſome generall inſurrections proceeding from the debate and diſcourſes in that great Councell, a Commiſſion under the great Seale was given unto them, to enable them to treate and conclude as they in their wiſedomes and Judgements ſhould thinke fit. The place appointed for this treaty was at *Rippon*, where the Lords Commiſſioners wanted the happineſſe of that, that they, and we had at *Yorke*, of his Maieſties preſence. And that might be the occaſion that more time was ſpent in it, then otherwiſe would have been; yet my Lords omitted not their parts, but were deſirous to look into the depth, to ſee the utmoſt extent of their demands.

But before thoſe of *Scotland* could come to the maine treaty, to explaine themſelves touching their demands, they made a preparatory demand of maintenance for their Armie, and did go ſo high, as to demand Forty thouſand Pounds a moneth. My Lords (that were very unwilling

ling to do any Act, or make any order whatsoever, as I have opened unto you, for the sustenance, maintenance, and keeping a foot his Maiesties Armie without this great Assembly, which yet they all held fit should not be disbanded) were much startled at the demand of maintenance for an Armie that was not the Kings, and which they did wish could not continue.

But my Lords, as under that name they could not hear it, yet they tooke into consideration the miserable condition of *Northumberland*, the Bishopricke of *Durham*, and *Newcastle*; They tooke into consideration too, the Counties of *Cumberland*, and *Westmerland*, which if the Scottish Armie should enter, were scarce able at this time to defend it selfe, and it were inconvenient to bring the Kings Armie thither.

Nay, their Lords were satisfied that the County of *Yorke* was in danger, and that not to be prevented but by a battell, if the *Scots* came on with an Armie, and my Lords were loath, where there were such ods, so many twenties to one, that a battell should be adventured. And if the County of *Yorke* should be in danger, we might quickly foresee how the danger might run over the whole Kingdome.

And my Lords, as well as those that remained at *Yorke*, as those at *Rippon*, having received complaints from the Bishop of *Durham* (*Northumberland*, and *Newcastle*) and the Maior of *Newcastle* being imprisoned, and some of his Brethren, as was represented unto them, kept without fire or candle, and of divers wastes and spoyles done in the Countrey. My Lords did thinke fit, that since the Counties of *Northumberland*, the Bishoprick of *Durham*, and *Newcastle* had already made a composition and agreement, that they would at last ratifie and confirm the composition and agreement, so as there might be a cessation of Arms, and acts of hostility; and that they which had fled from their dwellings in those Counties might returne in safety.

ſafety. My Lords for theſe reaſons thought it fit for the preſent to give way unto them, rather than to hazard ſo great calamitie and affliction that would have fallen on thoſe Counties; hereupon they did conclude for 850. pound by day, and this to continue for two moneths, if the treaty before tooke not effect, the two Moneths to begin from the 16th of *October*; then they took Articles for ceſſation of Arms. So as now the ſtate and condition of things as they were acted, I have ſhortly and ſummarily delivered to you. I dare not adventure upon toomany particulars, leaſt my memory ſhould faile; and if I have not done his Maieſties command, I beg his Maieſties pardon.

And my Lords, of what weight and importance this is to the whole Kingdome, what deepe conſideration it requires in our affections; what unſuſpected, and inſuſpected affections had we need bring with us, is eaſie to judge.

It is his Maieſties pleaſure that you of the Houſe of Commons, repaire to your owne Houſe to chuſe your Speaker, whom his Maieſty expects you will preſent to him on Thurſday next, at two of the clock in the afternoone.

Mr. SPEAKER his Speech to his Maiesty, in the High Court of Parliament, the fifth of *November*, 1640.

Most gracious and dread Soveraigne:

IN all submissive humblenesse, the Knights, Citizens, and Burgesses of the house of Commons are here assembled, who taking along with them your gracious inclination, have according to their ancient liberties designed me their Speaker.

Whereas I cannot but lament to thinke how great a mist may overcast the hopes of this sessions, yet a note of favour to mee, who cannot but judge my selfe unfit for so great imployment, which so appeares to the whole World.

Many there bee of deepe judgement, and sad experience, that might have added lustre to this action an expedition to the worke, if they had pleased to have left me in that meane condition they found me.

Non mihi tacuisse nocet, Nocet esse locutum.

And then might your Sacred and pious intentions have had their full advancement.

But is it yet too late? may I not appeale to *Cesar?* Yes, I may, and in the lowest posture of humilitie I humbly beseech your sacred Majesty to interpose your royall authority tocommand a review of the house, for there were never more then now fitted for such imployments.

My Lord Keeper approves of him by his Majesties direction.

Then he goes on,

If pleaseth not your Sacred Majestie to vouchsafe a change.

Actions of Kings are not to bee by mee reasoned.

Therefore beeing imboldened by this gracious approbation, give me leave a little, Dread Soveraigne, to expresse my owne thoughts unto our gracious Lord the King.

I see before my eyes with admiration the Majestie of great Brittaine, the Glory of times, The Historie of honour, *CHARLES* the first, in his forefront placed by descent of antiquitie (Kings) setled by a long succession, and continued to us by a pious and peacefull government.

On the one side the Monument of Glory, the Progenie of valiant and puissant Princes, the Queenes most Excellent Majestie.

On the other side, the hopes of posterity, and joy of this Nation, those Oliva branches set round your tables, Emblems of peace to posterity.

Here shine those Lights and Lamps placed in a Mount

Mount, which attend your ſacred Majeſty as ſupreame head, and borrow from you the Splendor of their government.

There the true ſtate of Nobility, figures of proweſſe and Magnanimity, fitted by their long contracted honour in their blood, for the Counſell of Princes.

In the midſt of thoſe the Reverend Iudges, whither both parties (as to the Oracles of Iudgment and Iuſtice) may reſort, Ciſternes that hold faire waters, wherin each deviation, each wrinkle is diſcernable, and from thence (as from the Center) each crooked line ought to be levelled; The footſtoole of your Throne is fixed there, which renders you glorious to all poſteritie.

Here wee the Knights, Citizens and Burgeſſes of the Commons houſe, at your royall feete, contracted from all parts of your Kingdome, Enſignes of obedience and humility, all theſe united by the law equally diſtributed, which cements this great body to the obedience of your ſacred Majeſty;

And compells aſwell the hearts as the hands to contribute for the preſervation of your Majeſtie, and the Common intereſt.

Diſſipates the Invaders of the Church and common wealth, and diſcovers the Impoſtures, but (give me leave dread Soveraigne) knits the Crowne to the Sacred Temples, and frees Majeſty from the Interpretation of miſdoing.

Amongſt theſe this great Counſell is moſt ſoveraigne againſt the diſtempers of this Nation.

Were they infeſted at Sea, troubled at home, or invaded from abroad, here was the Sanctuary of refuge, hither was the reſort, and no other way found for a foundation of peace.

It is reported of *Conſtantine* the great, that he accompted his Subjects purſe his Exchequer, and ſo it is.

Subtile inventions may pick the purſe, but nothing can open it but a Parliament; which lets in the eye of Soveraignty upon the publicke maladies of the State, and vigilancy for the preſervation of our ancient Liberties; for this wee neede not ſearch into Antiquity; looke but a little backe, there wee ſhall ſee our juſt liberties graciouſly confirmed by your moſt ſacred Majeſty.

And is our happineſſe ſhut up in the remembrance of times paſt onely? No.

Thoſe gracious expreſſions lately falne from your ſacred lips, as hony from the combe, make glad the hearts of your people.

So that now we doe more than promiſe to our ſelves a large and free conſideration of the wayes to compoſe the diſtempers of theſe Kingdomes, and then preſent them to your royall hand for perfection.

And ſuch ſhall be our deportment, that as we ſhall labour the continuance of our Liberties, ſo ſhall wee carry a high regard to preſerve that Soveraigne power wherewith your Majeſty is inveſted for the preſervation of your Kingdome, and to render your ſacred Majeſty terrible to the Nations, and glorious at home.

Are theſe the fruits we have enjoyed by Parliaments? wee cannot then but wonder at that horrid invention in this place projected, *Monſtrum horrendum, informe ingens*, but, the Lord bee thanked, *Cui lumen ademptum eſt.* Can this receive a *Palliation?* Men, Fathers, and Brethren, and all at one blaſt; no reverence to ſacred bones of Princes? were wee not all in a lumpe by them intended to bee offered up to *Moloch?*

Let us never forget this dayes ſolemnization (But whither?) It is too much boldneſſe to preſume longer on your Majeſties grace and goodneſſe; and therefore

for

for the better expedition of this service; Wee humbly desire;

1. That our selves and servants may obtaine freedome from arrests of their persons and goods.

2. That we may have free liberty of speech without confinement, with a full and free debate.

3. That your Majesty will vouchsafe our repaire to your sacred person upon matters of importance, according to the ancient priviledges of the house.

That with such alacrity wee may now proceed to manifest to the world, that our retirements were to reinforce a greater unity and duty, and to endeavour a sweet violence which may compell (pardon dread Soveraigne the word Compell) your Majesty to the love of Parliaments.

And thus God will have the honour, your sacred Majesty splendor, the Kingdome safety, and all our votes shall passe, that your sacred Majesty may long, long, long reigne over us; And let all the people say, *Amen*.

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THE

The Lord DIGBIES Speech the 9. of Novemb. 1640. Concerning Grievances, and the Trienniall *Parliament.*

Mr. Speaker,

YOu have received now a solemne accompt from most of the Shires of *England*, of the severall grievances and oppressions they sustaine, and nothing as yet from *Dorsetshire*; Sir, I would not have you thinke that I serve for a Land of *Goshen*, that we live there in Sun-shine, whilst darkenesse and plagues over-spread the rest of the Land: As little would I have you thinke, that being under the same sharp measure that the rest, we are either insensible and benummed, or that, that Shire wanteth a servant to represent its sufferings boldly.

It is true Mr. *Speaker*, the County of *Dorset* hath not digested its complaints into that formall way of Petition, which others (I see) have done; but have intrusted them to my Partners and my delivery of them by word of mouth unto this Honourable House. And there was given unto us in the County Court, the day of our Election, a short memoriall of the heads of them, which was read in the hearing of the Free-holders there present, who all unanimously with one voyce signified upon each particular, that it was their desire, that we should represent them to the Parliament, which with your leave I shall doe, and these they are.

1. The great and intollerable burthen of Ship-money,

ney, touching the legality whereof they are unsatisfied.

2. The many great abuses in pressing of Souldiers, and raising moneys concerning the same.

3. The multitude of Monopolies.

4. The new Canon, and the Oath to be taken by Lawyers, Divines, &c

5. The Oath required to bee taken by Church-Officers to present according to Articles new and unusuall.

Besides this, there was likewise presented to us by a very considerable part of the Clergy of that County, a note of remembrance containing these two particulars.

First, the imposition of a new Oath required to bee taken by all Ministers and others: which they conceive to be illegall, and such as they cannot take with a good Conscience.

Secondly, the requiring of a pretended Benevolence, but in effect a Subsidie, under the penalty of suspension, excommunication, and deprivation, all benefit of appeale excluded.

This is all wee had particularly in Charge: But that I may not appeare a remisse servant of my Countrey, and and of this House; give me leave to adde somewhat of my owne sence.

Truly Mr. *Speaker*, the injurious sufferings of some worthy members of this House, since the dissolution of the two last *Parliaments*, are so fresh in my memory, that I was resolved not to open my mouth in any busineſſe, wherein freedome and plaine dealing were requisite, untill such time, as the breach of our priviledges

Priledges were vindicated, and the safety of speech setled.

But since such excellent Members of our House, thought fit the other day to lay aside that Caution, and to discharge their soules so freely in the way of zeale to his Majesties service, and their Countries good: I shall interpret that confidence of theirs for a lucky Omen to this *Parliament*, and with your permission licence my thoughts too, a little.

Mr. *Speaker*, under those heads which I proposed to you, as the grievances of *Dorsetshire*, I suppose are compriſed the greatest part of the mischiefs which have of late years layed battery either to our Estates, or Consciences.

Sir, I doe not conceive this the fit season to search and ventilate particulars, yet I professe I cannot forbear to adde somewhat, to what was said the last day by a learned Gentleman of the long Robe, concerning the acts of that reverend new *Synod*, made of an old convocation. Doth not every *Parliament* mans heart rise to see the Prelats thus usurpe to themselves the Grand Preeminence of *Parliament*? The granting of Subsidies, & that under so prepostorous a name as of a *Benevolence*, for that which is a *Malevolence* indeed; A *Malevolence* I am confident in those that granted it, against *Parliaments*: and a *Malevolence* surely in those that refuse it, against those that granted it, for how can it incite lesse? when they see wrested from them what they are not willing to part with, under no lesse a penalty then the losse both of Heaven and Earth: of Heaven, by excommunication; and of the Earth By Deprivation; & this without Redemption by appeal. What good Christian can think with patience on such an insnaring Oath, as that which is by the new Canons enjoyned to be taken by all Ministers, Lawyers, Physitians, and Graduates in the Vniversities? where, besides the swearing

such

such an impertinence, as that things necessary to salvation are contained in Discipline; besides the swearing those to be of Divine right, which amongst the learned, never pretended to it, as the Arch things in our Hierarchy. Besides, the swearing not to consent to the change of that, which the State may upon great reason thinke fit to alter: Besides the botto nelesse perjury of an &c. Besides all this, Mr. *Speaker*, men must sweare that they sweare freely and voluntarily what they are compelled unto: and lastly, that they sweare that Oath in the literall sence, whereof no two of the makers themselves, that I have heard of, could never agree in the understanding.

In a word, Mr. *Speaker*, to tell you my opinion of this Oath, it is a Covenant against the King, for Bishops and the Hierarchy; as the Scottish Covenants is against them, onely so much worse then the Scottish, as they admit not of the Supremacy in Ecclesiasticall affaires, and we are sworne unto it.

Now Mr. *Speaker*, for those particular heads of grievances whereby our Estates and Properties are so radically invaded; I suppose (as I sayd before) that it is no season now to enter into a strict Discussion of them; onely thus much I shall say of them, with application to the Countrey for which I serve, that none can more justly complaine, since none can more justly challenge exemption from such burdens then *Dorset shire*; whether you consider its a Countrey subsisting much by Trade; or as none of the most populous; or as exposed as much as any to Forraigne Invasion.

But alas Mr. *Speaker*, particular lamentations are hardly distinguishable in Vniversall groanes.

Mr. *Speaker*, it hath beene a Metaphor frequent in *Parlament*, and if my memory fayle me not, was made use of in the Lord *Keepers* Speech at the opening of the last; that what mony Kings raysed from their *Subjects*,

they were *But as Vapors drawn up from the Earth by the Sunne, to bee diſtilled upon it againe in fructifying ſhowers.* The Compariſon Mr. *Speaker*, hath held of late yeares in this Kingdome too unluckily: what hath bin raiſed from the Subject by thoſe violent attractions, hath beene formed, it is true, into Clouds, but how? to darken the Sunnes owne luſtre, and hath fallen againe upon the Land only in Hail-ſtones and Mildews, to batter and proſtrate ſtill more and more our liberties, to blaſt and wither our affections; had the latter of theſe beene ſtill kept alive by our Kings owne perſonall vertues, which wil ever preſerve him in ſpight of all ill Counſellours, a ſacred object, both of our admiration and loves.

Mr. *Speaker*, It hath beene often ſayd in this Houſe, and I thinke can never be too often repeated, *That the Kings of England can do no wrong*; but thogh they could Mr. *Speaker*, yet Princes have no part in the ill of thoſe actions which their Judges aſſure them to be juſt, their Counſellours that they are prudent, and their Divines that they are conſcientious.

This Conſideration, M. *Speaker*, leadeth mee to that which is more neceſſary farre, at this ſeaſon, than any farther laying open of our miſeries, that is, the way to the remedy, by ſeeking to remove from our *Soveraign*, ſuch unjuſt Judges, ſuch pernicious Counſellours, and ſuch diſconſcient Divines, as have of late yeares, by their wicked practiſes, provoked aſperſions upon the government of the graciouſeſt and beſt of Kings.

Mr. *Speaker*, let me not be miſ-underſtood, I levell at no man with a fore-layd deſigne; let the faults, and and thoſe well proved, lead us to the men: It is the onely true *Parliamentary* method, and the onely fit one to incline our *Soveraigne*. For it can no more

conſiſt

consist with a gracious and righteous Prince to expose his servants upon irregular prejudices; then with a wise Prince to with hold *Malefactors*, how great soever, from the course of orderly justice.

Let me acquaint you M. *Speaker*, with an *Aphorisme* in *Hippocrates*, no lesse Authenticke, (I thinke) in the body Politicke, then in the Naturall. *Thus it is Mr.* Speaker, *Bodies to be throughly and effectually purged, must have their Humors first made fluid and moveable. The Humours that I understand to have caused all the desperate maladies of this Nation, are the ill Ministers. To purge them away clearely, they must be first loosened, unsetled, and extenuated, which can no way bee effected with a gracious Master, but by truely representing them unworthy of his protection. And this leadeth mee to my Motion, which is; that a select Committee may bee appointed to draw out of all that hath beene heere represented, such a Remonstrance as may be a faithfull and lively representation unto his Majesty of the deplorable estate of this his Kingdome, and such as may happily point out unto his cleare and excellent judgment, the pernicious Authors of it. And that this* Remonstrance *being drawne, wee may with all speed repaire to the Lords, and desire them to joyne with with us in it*: And this is my humble motion.

THE LORD DIGBIES SPEECH IN THE *HOUSE* OF Commons, to the Bill for trienniall *Parliaments*.

Janu. 19. 1640.

Mr. *Speaker*,

I Riſe not now with an intent to ſpeake to the frame and ſtructure of this Bill, nor much by way of anſwer to objections that may be made; I hope there will be no occaſion of that, but that we ſhall concurre all unanimouſly in what concerneth all ſo Univerſally.

Onely Sir, by way of preparation, to the end that we may not be diſcouraged in this great worke by difficulties that may appeare in the way of it, I ſhall deliver unto you my apprehenſions in generall of the vaſt importance and neceſſity that wee ſhould goe thorow with it.

The Reſult of my ſenſe is in ſhort this: That unleſse for the frequent convening of *Parliaments* there be ſome ſuch courſe ſetled, as may not be eluded; neyther

ther the people can be prosperous and secure, nor the King himselfe solidly happy. I take this to be the *Vnum necessarium*: Let us procure this, and all our other desires will effect themselves: if this bill miscarry, I shall have left me no publike hopes, and once past, I shall be freed of all publike feares.

The essentialnesse Sir of frequent *Parliaments* to the happinesse of this Kingdome, might be inferr'd unto you by the reason of contraries, from the wofull experience which former times have had of the mischievous effects of any long intermission of them.

But Mr. *Speaker*, why should we clime higher then the levell we are on, or thinke further then our owne Horizon, or have recourse for examples in this businesse, to any other promptuary then our owne memories; nay then the experience almost of the youngest here?

The reflection backward on the distractions of former times upon intermission of *Parliament*, and the consideration forward of the mischiefes likely still to grow from the same cause if not remooved, doubtlesly gave first life and being to those two dormant Statutes of *Edward* the third, for the yearly holding of *Parliament*: And shall not the fresh and bleeding experience in the present age of miseries from the same spring, not to be paralleld in any other, obtaine a wakening, a resurrection for them?

The Intestine distempers Sir, of former ages upon the want of *Parliaments*, may appeare to have had some other cooperative causes, as sometimes, unsucceesfull Warres abroad; sometimes, the absence of the Prince; sometimes, Competitions of Titles to the Crowne; somtimes, perhaps the vices of the King himselfe.

But let us but rightly weigh and consider the posture, the aspect of this state, both toward it selfe, and

the reſt of the world, the perſon of our Soveraigne, and the nature of our ſuffering ſince the third of his Reigne. And there can be no cauſe coulorable inventible, wherunto to attribute them but the intermiſſion, or which is worſe, the undue fruſtration of *Parliament*, by the unluckly uſe if not abuſe of Prerogative in the diſſolving them.

Take in your view Gentlemen, a State in a ſtate of the greateſt quiet and ſecurity that can be fancied, not only in joyning the calmeſt peace it ſelfe, but to improve and ſecure its happy condition, all the reſt of the world at the ſame time in Tempeſt, in Combuſtions, in uncompoſable Warres.

Take into your view Sir, a King Soveraigne to three Kingdomes, by a Concentring of all the Royall lines in his Perſon, as undiſputably as any Mathematical ones in *Euclide*. A King firme and knowing in his Religion, eminent in vertue; A King that had in his owne time given all the Rights and Liberties of his Subjects a more cleare and ample confirmation freely and graciouſly, then any of his Predeceſſors (when the people had them at advantage) extortedly, I meane in the *Petition of Right*.

This is one Mappe of *England*, Mr. *Speaker*, A man Sir, that ſhould preſent unto you now, a Kingdome, groaning under that ſupreme Law, which *Salus populi periclitata* would enact. The liberty, the property of the Subject fundamentally ſubverted, raviſht away by the violence of a pretended neceſſity; a triple Crown ſhaking with diſtempers; men of the beſt conſcience ready to fly into the wilderneſſe for Religion. Would not one ſweare that this were the Antipodes to the other; & yet let me tell you Mr. *Speaker*, this is a Mappe of *England* too, and both at the ſame time true.

As it cannot bee denyed, Mr. *Speaker*, that since the Conquest there hath not been in this Kingdome a fuller concurrance of all circumstances in the former Caracter, to have made a Kingdom happy, then for these 12. yeares last past; so it is most certaine, that there hath not beene in all that deduction of ages, such a Conspiracie, if one may so say of all the Elements of mischiefe thein second Character, to bring a flourishing Kingdom, if it were possible, to swift ruine and desolation.

I will be bold to say, Mr. *Speaker*, and I thanke *God*, wee have so good a King, under whom wee may speake boldly of the abuse by ill Ministers, without reflection upon his person.

That an Accumulation of all the publike Grievances since *Magna Carta*, one upon another, unto that houre in which the *Petition* of *Right* past into an act of *Parliament*, would not amount to so oppressive; I am sure not to so destructive a height and magnitude to the rights and property of the Subject, as one branch of our beslaving since the *Petition* of *Right*.

The branch I mean, is the judgment concerning shipmoney. This beeing a true representation of *England* in both aspects.

Let him, Mr. *Speaker*, that for the unmatcht oppression and enthralling of free Subjects in a time of the best Kings raigne, and in memory of the best lawes enacted in favour of Subjects liberty, can find a truer Cause then the ruptures and intermission of *Parliaments*. Let him and him alone be against the setling of this inevitable way for the frequent holding of them.

'Tis true Sir, wicked Ministers have beene the proximate

timate causes of our miseries, but the want of *Parliaments* the primary, the efficient Cause.

Ill Ministers have made ill times, but that Sir, hath made ill Ministers.

I have read among the Lawes of the Athenians, a form of recourse in their Oaths and vows of greatest & most publique concernment of a three-fold Deity, *Supplicium Exauditori, Purgatori, Malorum depulsori.*

I doubt not but we here assembled for the Commonwealth in this *Parliament*, shall meet with all these Attributes in our Soveraigne.

I make no question but he will graciously heare our Supplications, purge away our Grievances, and expell Malefactors, that is, remove ill Ministers, and put good in their places.

No lesse can be expected from his wisdome and goodnesse.

But let me tell you Mr. *Speaker*, if we partake not of one Attribute more in him; if we addresse not our selves unto that, I meane *Bonorum Conservatori*; we can have no solid, no durable Comfort in all the rest.

Let his Majesty heare our Complaint never so Compassionately.

Let him purge away our Grievances never so efficaciously.

Let him punish and dispell ill Ministers never so exemplarily.

Let

Let him make choyce of good ones never so exactly.

If there be not a way setled to preserve and keepe them good; the mischiefes and they will all grow again like *Sampsons* Locks, and pull downe the House upon our heads. Beleeve it M. *Speaker*, they will.

It hath been a Maxime amongst the wisest Legislators, that whosoever meanes to settle good Lawes, must proceed in them, with a sinister opinion of all Mankinde; and suppose that whosoever is not wicked, it is for want only of the opportunity. It is that opportunity of being ill Mr. *Speaker*, that wee must take away, if ever wee meane to be happy, which can never be done, but by the frequencie of *Parliaments*.

No state can wisely be confident of any publique Ministers continuing good, longer then the rod is over him.

Let me appeale to all those that were present in this House at the agitation of the *Petition* of *Right*. And let them tell themselves truly, of whose promotion to the management of affaires doe they thinke the generality would at that time have had better hopes then of Mr. *Noy*, and Sir *Thomas Wentworth*, both having beene at that time, and in that businesse as I have heard, most keen and active Patriots, and the latter of them to the eternall aggravation of his Infamous treachery to the Common-wealth be it spoken, the first mover, and insister to have this clause added to the *Petition* of *Right*, that for the comfort and safety of his Subjects, his Majesty would be pleased to declare his will and pleasure, that all his Ministers should serve him according to the Lawes and Statutes of the Realme.

And yet Mr. *Speaker*, to whom now can all the inundations upon our liberties under pretence of Law, and the late ſhipwrack at once of all our property, be attributed more then to *Noy*, and thoſe and all other miſchiefes whereby this Monarchie hath beene brought almoſt to the brinke of deſtruction, ſo much to any as to that Grand Apoſtate to the Common-wealth, the now Lieutenant of *Ireland?*

The firſt I hope *God* hath forgiven in the other world; and the latter muſt not hope to be pardoned in this, till he be diſpatcht to the other.

Let every man but conſider thoſe men as once they were.

The excellent Law for the ſecurity of the Subject enacted immediately before their comming to employment, in the contriving whereof themſelves were principall Actors.

The goodneſſe and vertue of the King they ſerved, and yet the high and publique oppreſſions that in his time they have wrought! And ſurely there is no man but will conclude with me, that as the deficience of *Parliaments* hath bin the *Cauſa Cauſarum* of all the miſchiefes and diſtempers of the preſent times: ſo the frequency of them is the ſole Catholicke Antidote that can preſerve and ſecure the future from the like danger.

Mr. *Speaker*, let me yet draw my Diſcourſe a little nearer to his Majeſty himſelfe, and tell you, that the frequency of *Parliament* is moſt eſſentially neceſſary to the power, the ſecurity, the glory of the King.

There are two wayes, Mr. *Speaker*, of powerfull Rule,

Rule, eyther by Feare, or Love, but one of happy and safe Rule, that is, by Love, that *Firmissimum Imperium quo obedientes gaudent.*

To which Camillus *advised the* Romans. *Let a Prince consider what it is that mooves a people principally to affection, and dearnesse, towards their Soveraigne. He shall see that there needs no other Artifice in it, then to let them injoy unmolested, what belongs unto them of right: If that have beene invaded and violated in any kind, whereby affections are alienated: the next consideration for a wise Prince that would be happy, is how to regaine them: To which three things are equally necessary.*

1. Re-instating them in their former Libertie.
2. Revenging them of the Authors of those violations.
3. And securing them from Apprehensions of the like againe.

The first, (God be thanked,) wee are in a good way of.

The second in warme pursuit of.

But the third, as essentiall as all the rest, till we be certaine of a *Triennial Parliament*, at the least, I professe I can have but cold hopes of.

I beseech you then *Gentlemen*, since that security for the future is so necessary to that blessed union of affections, and this Bill so necessary to that security:

Let us not be so wanting to our selves; let us not be so wanting to our Soveraigne, as to forbeare to offer unto him, this powerfull, this everlasting Philter, to Charme unto him the hearts of his people, whose vertue can never evaporate.

There is no man, M. *Speaker*, so secure of anothers friendship, but will thinke frequent intercourse and accesse very requisite to the support, to the confirmation of it: Especially, if ill offices have beene done betweene them; if the raysing of jealousies hath beene attempted. There is no Friend but would be impatient to be debarred from giving his friend succour and relieſe in his necessities.

Mr. *Speaker*, permit mee the comparison of great things with little: what friendship, what union can there be so comfortable, so happy, as betweene a gracious Soveraigne and his people? and what greater misfortune can there bee to both, then for them to bee kept from entercourse, from the meanes of clearing mis-understandings, from interchange of mutuall benefits?

The people of *England*, Sir, cannot open their Eares, their Hearts, their Mouthes, nor their Purses, to his Majesty, but in *Parliament*.

We can neyther heare Him, nor Complaine, nor acknowledge, nor give, but there.

This Bill, Sir, is the sole Key that can open the way to a frequency of those reciprocall indearments, which must make and perpetuate the happinesse of the King and Kingdome.

Let no man object any derogation from the Kings Prerogative by it. Wee doe but present the Bill, 'tis to be made a Law by him, his Honour, his Power, will be as conspicuous, in commanding at once that *Parliament* shall assemble every third yeare, as in commanding a *Parliament* to be called this or that yeare: there

is

is more of his Majesty in ordayning primary and Vniversall Causes, then in the actuating particularly of subordinate effects.

I doubt not, but that glorious King *Edward* the Third, when he made those Lawes for the yearely Calling of *Parliament*, did it with a right sence of his dignity and honour.

The truth is, Sir, the Kings of *England* are never in their Glory, in their Splendour, in their Majesticke Soveraignty, but in *Parliaments*.

Where is the power of imposing Taxes? Where is the power of restoring from incapacities? Where is the legislative Authority? Marry in the King, Mr. Speaker. *But how? In the King circled in, fortified and evirtuated by his* Parliament.

The King out of *Parliament* hath a limitted, a circumscribed jurisdiction. But waited on by his *Parliament*, no Monarch of the East is so absolute in dispelling Grievances.

Mr. Speaker, *in chasing ill Ministers, we doe but dissipate Clouds that may gather againe, but in voting this* Bill, *we shall contribute, as much as in us lyes, to the perpetuating our Sunne, our Soveraigne, in his vesticall, in his Noone day lustre.*

A Speech of the Honourable NATHANAEL FIENNES, In the Houſe of Commons the 9. of Febr. 1640.

Mr. *Speaker*,

TWO things have fallen into debate this day.

The firſt, concerning the *Londoners* Petition, whether it ſhould bee committed or no.

The other, concerning the government of the Church, by Arch-biſhops, Biſhops, &c. whether it ſhould bee countenanced or no.

For the firſt, I doe not underſtand by any thing that I have yet heard, why the *Londoners* Petition ſhould not be committed, or countenanced.

The exceptions that are taken againſt it, are from the irregularities of the delivery of it, and from the Subject matter contained in it.

For the firſt, it is alledged that the long taile of this blazing ſtarre, is ominous, and that ſuch a number of Petitioners, and ſuch a number that brought the Petition to the Houſe, was irregular. Hereunto I anſwer, that the fault was either in the multitude of the Petitioners, or in their carriages, and demeanours: if a multitude finde

finde themselves agrieved, why it should be a fault in them to expresse their grievances more than in one, or a few, I cannot see; nay, to me it seemes rather a reason that their Petitions should be committed, and taken into serious consideration, for thereby they may receive satisfaction, though all bee not granted that they desire. But if wee shall throw their Petition behind the door, and refuse to consider it, that it may seeme an act of will in us. And whether an act of will in us, may not produce an act of will in the people, I leave it to your consideration. Sure I am, acts of will are more dangerous there than here, because usually they are more tumultuous. All Lawes are made, principally for the quiet and peace of a Kingdome; and a Law may be of such indifferent nature many times, that it is a good reason to alter it, onely, because a great number desires it, if there were nothing else in it, and therefore I doe not see that the number of Petitioners is any good reason, why it should not bee committed, but rather the contrary.

Now for their carriage, there came indeed, three or foure hundred of the 15000, some of the better sort of them, and there might bee good reason for it. I have heard that there was brought a Petition to some privie Counsellours, with a thousand hands to it, and being brought onely with sixe men, they were answered, that they sixe might write those thousand hands; if there were a thousand that joyned in the Petition, why did they not come too? And we heard it objected but the other day, in this house against the Ministers Petition, that there were indeed seven or eight hundred names to it, but two hands onely. Therefore it was not without cause, that a considerable number should come with a Petition signed by so many; but for any disorder in their carriage, I saw none; for upon an intimation in one word from this house, they forthwith retired to their dwellings. As for the subject matter of the Petition,

tion, three exceptions are taken against it.

First, that divers things are contemptible in it, as that about *Ovid de Amore*, set forth in English, and other such things.

Secondly, that in many things their discourse was altogether irrationall, for that they argue from personall faults of Bishops against the office it selfe of Bishops, and in other things argue from effects that proceed from it by accident, as if they did flie out of it.

And in the last place, that their prayer and conclusion is bold and presumptuous, desiring so boldly an abolition of standing Lawes.

To the first I answer, that some things may seeme contemptible in themselves, which are not so in their causes, nor in their effects, as the suffering of such lascivious pamphlets to be printed and published, when other profitable writings are suppressed, doth discover a principle, that looseneſſe and prophaneſſe (which will helpe to bring in superstition) is more sutable to their hierarchy than the contrary, which makes them connive at such things as are apt to produce looseneſſe and lewdneſſe, and this is no contemptible effect, nor doth it proceed from a contemptible cause.

In the next place, for that which seemes irrationall in the way of their discovery, divers things may seeme to bee personall faults, which indeed are derived unto the persons from the office, or from the circumstances thereof, I meane their revenues, and dignities on the one side, and the ceremonies on the other side. For most of the things complained of, as silencing, and thrusting out of godly and painfull Preachers, bringing in Innovations in Doctrine, and worship, and the like; although they may seeme personall and accidentall faults, yet if wee follow them to their last resort, wee shall find that their worldly wealth and dignities stirre them up to doe this, that their sole and arbitrary power

over

over the Clergy, and in matter Eccleſiaſticall, enable them to effect it, and the ceremonies both new and old ſerve as inſtruments, and meanes, whereby they effect it.

In the laſt place, that their Prayer in the concluſion of their Petition, is bold or preſumptuous, I doe not ſee there is any reaſon ſo to eſteeme of it: for if they had taken upon them to have altered any thing upon their owne authority, or had imperiouſly required the *Parliament* to doe it, then it might deſerve ſuch a ſtile; but when they come as humble ſuppliants, by way of Petition, deſiring the altering of Lawes, that have been found burdenſome unto them, and that of the Parliament, where, and wherein onely old lawes may bee repealed, and new Lawes may be made, they come in the right manner, to their right and proper place, and therefore have done nothing boldly, or preſumptuouſly, but orderly, and regularly, and therefore ought not to receive any check or diſcouragement in the way that they have taken.

Now Sir, concerning the government of the *Church*, by *Arch-Biſhops*, *Biſhops*, *&c.* which alſo hath beene ſpoken unto; whereas it is deſired, that the evills, and inconveniences ſhould be ſhewed which ariſe not from the perſons, but from the office it ſelfe of Biſhops, I ſhall apply my diſcourſe particularly to that poynt. But firſt, I ſhall crave leave to ſay a word or two, in anſwer to what hath beene alledged for the credit of the Government by Biſhops. Firſt, that it is as ancient as Chriſtian Religion, and that it hath continued ever ſince the time of Chriſt and his Apoſtles; as for this, I doe not pretend to have ſo much knowledge in antiquity, as to confute this out of the Fathers and Eccleſiaſticall Hiſtories; (although there are that undertake that) onely one ſentence I have often heard cited out of Saint *Ierome*, that in the Primitive times, *Omnia*

communi Clericorum Concilio regebantur: and truely so farre as the Acts of the Apostles, and the New Testament goeth, which was the ancienteſt, and moſt primitive time of Chriſtianity, I could never find there any diſtinction betweene a Biſhop and a Presbyter, but that they were one and the very ſame thing. In the next place, that which is alledged for the credit of Epiſcopacy, is, *that our Reformers and Martyrs were many of them Biſhops, and practiſed many of thoſe things now complained of; and that in other Reformed Churches where Biſhops are not, they are deſired.* For the *Martyrs* and *Reformers* of the Church that were Biſhops, I doe not underſtand that that was any part of their Reformation, nor of their Martyrdome; I have read, that whereas *Ridley* and *Hooper* had ſome difference betweene them in their life time about theſe things, when they came both to their *martyrdome*, he that had formerly beene the Patron of this *Hierarchy*, and *Ceremonies*, told his brother, *that therein his fooliſhneſſe had contended with his wiſedome.* As for that which is ſaid, *that other Reformed Churches where they have not Biſhops, yet they are deſired*, I will not deny but ſome among them may deſire *Biſhopricks*, I meane the *Dignities* and *Revenues* of Biſhops, but that they deſire Biſhops as thinking it the fitteſt and beſt *Government* of the Church, I cannot beleeve, for if they would have Biſhops, why doe they not make themſelves Biſhops? I know not what hindreth, why they might not have Biſhops when they would. In the laſt place, for that which is alledged in relation to the government of this Kingdome, *that Biſhops are ſo neceſſary, as that the King cannot well let them goe with the ſafety of Monarchy, and that if Biſhops bee taken away, Aſſemblies, or ſomething muſt come in the roome thereof. And if Kings ſhould bee ſubject thereunto, and ſhould happen to be excommunicated thereby, that after they would bee little eſteemed, or obeyed as Kings:* for this

this, if it shall be cleared, as it is affirmed, or if any thing therein doe strike at Monarchy, I shall never give my vote, nor consent thereunto as long as I live. But to cleare that this is not so, I offer to your consideration, that by the Law of this Land not onely all Ecclesiasticall Jurisdiction, but also all superiority, and preheminence over the Ecclesiasticall state, is annexed to the Imperiall Crowne of this Realme, and may bee granted by Commission under the great seale, to such persons as his Majestie shall thinke meet: now, if the King should grant it to a certaine number of Commissioners, equall in authority, as hee may doe, this were an abolition of Episcopacy, and yet not diminution of Monarchy; But the truth is, Episcopacy is a kind of Monarchy under a Monarchy, and is therein altogether unlike the Civill *Government* under his Majestie: for the King being a common head over the Ecclesiasticall state and the Civill, we shall finde that in the exercise of Civill Jurisdiction, in all Courts under his Majesty, it is *Aristocraticall*, and placed in many, and not in one, as appeareth in this high Court of *Parliament*, in the inferiour Courts of *Westminster* Hall, and in the Sizes, and Sessions in the Countrey, which are held by many Commissioners, and not onely by one, or his *Deputies*, and *Commissaries*, as it is in the exercise of Ecclesiasticall government. As to the point of *Excommunication*, supposing that it did dissolve naturall and civill bonds of duty, as it doth not, it might indeed be as terrible to Princes, as it is represented. But I reason thus, *either Princes are subject to Excommunication, or they are not: if they bee not, then they need as little to feare a Presbyterie or an assembly, as a Bishop in that respect; if they bee, they have as much to feare from Bishops, at least wise from Bishops in their Convocations, as from Presbyters in their Assemblies; and so much the more, because they have formerly felt the thunderbolts of those of*

that ſtampe, but never from this latter ſort. And now Sir, I proceede to repreſent unto you the evills, and inconveniences that doe proceede from the government and Ceremonies of the Church, and truely in my opinion, *the chiefe and principall cauſe of all the evills which we have ſuffered, ſince the Reformation in this Church and State, hath proceeded from that diviſion which ſo unhappily hath ſprung up amongſt us, about Church government, and the Ceremonies of the Church, and from which part in that diviſion, I beleeve, it will appeare in the particulars.* I know well there is a great diviſion, and that upon great matters, betweene us and the Papiſts, and I am not ignorant that there have beene great and ſore breaches made upon our Civill Liberties, and the right of our proprieties.

But yet ſtill I returne to my former poſition, that the chiefe and moſt active cauſe hath proceeded *from the Government and Ceremonies of the Church*, and that thoſe other cauſes have either fallen into it, and ſo acted by it, or iſſued out of it, and ſo acted from it. As for Popery, *I conceive that to have beene a cauſe that hath fallen into this, and acted by it*; for at the *Reformation* it received ſuch a deadly wound by ſo many ſharpe Lawes enacted againſt it, that had it not beene enlivened by this diviſion amongſt us, it could never have had influence upon our Church and State to have troubled them, as this day wee feele; but finding that in this diviſion amongſt us, one party had need of ſome of their principalls to maintaine their *Hierarchy*, together with their worldly pompe and *Ceremonies*, which are appurtenances thereunto; from hence they firſt conceived a ground of hope, and afterwards found meanes of ſucceſſe, towards the introducing againe of their ſuperſtition and Idolatry into this Realme; and they wrought ſo diligently upon this *foundation*, that they have advanced their building very farre, and how neare they were to

ſet

ſet up the Roofe, I leave it to your conſideration. As for the evills which *we have ſuffered in our civill liberty, and the right of our proprieties, I conceive they have proceeded out of this, and ſo acted from it; for if there had beene no breaches of* Parliaments, *there would have bin no need to have had recourſe unto thoſe broken Ciſternes, that can hold no water*; but there being a ſtoppage of *Parlamentary* ſupplyes, that was an occaſion of letting in upon us ſuch an *inundation of Monopolies*, and other illegall taxes, and impoſitions, accompanyed with many other heavy and ſore breaches of our *Liberties*. Now there needed not to have beene any breaches of *Parliaments*, had there not beene ſomething *diſliked in them*, and what was that? it could not bee any of theſe *civill* matters that bred the firſt difference, for they have proceeded out of it, therefore I conceive it was this: *The Prelates with their adherents* (the Papiſts alſo concurring with them for their intereſt) *did alwayes looke upon Parliaments with an evill eye, as no friends to their offices and functions, at leaſtwiſe to their Benefices and Dignities, and therefore* (ſome of them having alwayes had the grace to bee too neare to the Princes' eares) *they have alwayes endeavoured to breed a diſ-affection in Kings from Parliaments, as the Preſſe and Pulpit doe abundantly witneſſe, and Ballads too, made by ſome of them upon the breaches of Parliaments*. But wee have a freſh and bleeding inſtance of this in the confirmation in his Majeſties name, which they procured to be prefixed before their new Booke of Canons, wherein they have endeavoured to make this impreſſion upon his Majeſties Royall minde, *that the Authors and Fomenters of the jealouſie in reſpect of the new Rites and Ceremonies lately introduced into the Church, which wee call innovations, did ſtrike at his Royall perſon, as if hee were perverted in his Religion, and did worſhip God in a ſuperſtitious way, and intended to bring in ſome Innovation in*

matter

matter of Religion. Now Sir, who are the authors of thoſe jealouſies? did they not come as complaints in the Petitions from the bodies of ſeverall Counties the laſt *Parliament*, and from more this preſent *Parliament?* and who were the fomenters of thoſe jealouſies? did not the generall ſence of the laſt Parliament concurre in it, that they were Innovations, and that they were ſuſpitions, as introductory to ſuperſtition? Nay, I appeale to all thoſe that hear me, which are drawn from al parts of the Kingdom, whether this be not the generall ſence of the greateſt and moſt conſiderable part of the whole Kingdom? *I beſeech you then to conſider, what kind Offices theſe men have done between the King and the Parlament, between the King and Kingdom, I ſpeak of the greateſt and moſt conſiderable part, as giving denomination to the whole.* And now Sir, as we have caſt our eye backwards, if wee will looke forwards, how doe the clouds thicken upon us, and what diſtractions, yea what dangers doe they threaten us withall, proceeding ſtill from the ſame root of Church Government and Ceremonies? *and truely as things now ſtand, I ſee but two wayes, the one of Deſtruction, the other of Satisfaction; Deſtruction I meane of the oppoſite partie to the Biſhops, and the Ceremonies, and reducing of all to Canonicall obedience, by faire meanes or by foule: this way hath beene already tryed, and what effect it hath brought forth in our neighbour kingdome, wee well know, and it is like to produce no very good effect in this Kingdome, if mens ſcruples and reaſons in that behalfe ſhall bee onely anſwered with Priſons, and Pillories, and hard Cenſures, that I may ſpeake moſt ſoftly of them. I hold therefore, that the other way of ſatisfaction is the ſafeſt, the eaſieſt, and the onely way. And that is to take into conſideration, the ſeverall heads of the evills, which are cauſes of theſe complaints, and to finde out, and apply the proper remedies thereunto.* For the furtherance whereof, I ſhall make bold

bold with your patience (which I am very unwilling to tire, but muſt tire my owne Conſcience if I ſhould not diſcharge it upon this occaſion) to repreſent a briefe Modell of the ſeverall heads and ſprings from whence the evills, which are cauſes of theſe complaints, doe naturally or occaſionally ariſe. The evils complained of, doe either ariſe from perſons, or from things; thoſe faults that are perſonall are beſides the poynt that I intend to ſpeake to, there is one onely remedy for them, that is, by puniſhment and removall of ſuch perſons, and the putting of better in their roome. As for thoſe evills which proceed from things, they alſo are remedied by a removall of ſuch things as are evill, and the putting of better in their roome; the evills and inconveniences of this kinde doe principally flow, either from the Clergies Offices and functions, or from their Benefices and Dignities; thoſe that ariſe from their Offices and functions, doe ariſe naturally either from the Lawes and Conſtitutions whereby, and according to which they exerciſe their Offices and functions, or from the Government it ſelfe, wherein they exerciſe thoſe functions. The faults that I note in the Eccleſiaſticall Lawes are, that they hold too much of the Civill Law, and too much of the Ceremoniall Law: Of the Civill Law, in reſpect of all thoſe Titles concerning Wills, and Legacies, tithes, marriages, adulteries, which all belonging to the Civill juriſdiction, and are no more of ſpirituall conſideration, than rapes, thefts, fellonies, or treaſons may bee. Sir, it is good that every bird ſhould have his owne feather, and I remember when one came to our *Saviour Chriſt, to deſire him that hee would cauſe his Brother to divide the inheritance with him, hee asked him; who made him a Iudge of ſuch things*: and may not we aske, who made them that take themſelves to bee ſucceſſours of Chriſt and his Apoſtles, Judges of ſuch

things?

things? Many inconveniences arise from hence; First, *that the mindes of Clergie men are inured unto Civill Dominion, and to meddle with civill matters.* Secondly, *the manner of their proceedings, is turned from a Spirituall way into the fashion of Processes in Temporall Courts.* And lastly, which is worst of all, *by this meanes the Spirituall Sword comes to bee unsheathed about such things as doe not at all fall under the stroake thereof.* Many are excommunicated for Pigges, Apples, and Nuts, and such like things. But the other fault which I noted in the Ecclesiasticall Lawes and Constitutions, pincheth us more, which is, *that they hold too much of the Ceremoniall Law.*

And here Mr. *Speaker*, give me leave to lament the condition of this our Church of *England*, beyond that of all other reformed Churches. A certaine number of *Ceremonies* in the judgement of some men unlawfull, and to bee rejected of all Churches, in the judgement of all other reformed Churches to bee rejected by them, and in the judgement of our owne Churches, but indifferent *Ceremonies*: and yet what difference? yea, what distractions have these indifferent *Ceremonies* raised among us? What hath deprived us of so many faithfull, able, and godly Ministers since the Reformation, as able and as fit in all other respects to discharge that function, as any age ever produced in the Christian Word since the time of the Apostles, I say what hath deprived us of them, but these *indifferent Ceremonies?* What hath deprived us of so many thousand Christians which desired (and in all other respects deserved) to hold communion with us; I say, what hath deprived us of them, and scattered them into I know not what places and corners of the World, *but these indifferent Ceremonies?* What hath caused so many hard censures, and harder executions, but these *indifferent Ceremonies?* What hath occasioned those calamities

lamities and dangers, which we feele, and which wee feare, but those *indifferent Ceremonies?* I shall say no more of them, but *I pray God that now at length it may please his Majesty with this his great Councell of Parliament, to take a view of them, and if there be a necessity to retaine them, let them be retained; but if not, then let us remove them, before they ruine us.* As to the evills and inconveniences that arise out of the government it selfe, I should have noted something amisse, as well in the *legislative* part, as in the *executive* part, but in the former I am prevented, by what hath beene already voted concerning the Power of making Canons: which votes if they bee brought to perfection, they will set us right in great part, in that respect; for surely, before the power was neither in the hands of such as were representative of that which is truely the Church of *England*, nor yet in the hands of those that were truely representative of the Clergy of *England*, if they were the whole Church, as indeed they are not. As to the *executive* part, which consisteth in the exercise of Ecclesiasticall Jurisdiction, therein I note also two disorders, Confusion, and Corruption; Confusion of the Spirituall Sword with the Temporall; Laymen strike with the Spirituall sword, and Spirituall men with the Temporall sword: nay, out of the same mouth, and at the same time proceedeth an Excommunication, and a fine, or commitment, or both: I will not say positively, that it is unlawfull for Clergie-men to exercise civill jurisdiction, because I know it is a question, but yet such a question as hath bin determined by divers Canons of generall Councels, and by some that were made in Synods of the Church of *England*, that it is unlawfull, and that upon grounds which are not contemptible.

As first, that it is contrary to the precept and practice of Christ and his Apostles. And secondly, *That it is not*

possible for one man to discharge two Functions, whereof either is sufficient to imploy the whole man, especially that of the Ministery so great, that they ought not to entangle themselves with the affaires of this world. A third ground not so well observed generally, as in one part thereof, is this, *That Ministers of the Gospell, being sent especially to gaine the Soules of men, they are to gaine as great interest as possible may be, in their minds and affections: Now we know that the nature of all men is such, that they are apt to think hardly of those that are any Authors of their pain and punishment, although it bee in a way of Iustice, and therefore as it is well knowne, that Clergy men are not to be present* in judicio sanguinis; *so the same reason extends it selfe to the administration of all Civill jurisdiction, and therefore we may observe that our* Saviour Christ, *as hee alwayes rejected all Civill judicature, so on the other side, he went up and downe healing mens bodies, and otherwise doing good to their outward estate, that his Doctrine might have a freer and fairer passage into their Soules. For the corruption that I spoke of in the exercise of Ecclesiasticall jurisdiction, I doe not meane any personall corruption, but a deviation or aberration from the prescript of the Divine* Rule: *And though it bee not easie to finde what that is in all particulars, yet it is not hard to say, what it is not, and that I doubt may prove our case in divers things.* Ecclesiastical Jurisdiction *we know extendes either to the* Clergy *onely, and consisteth in the* Ordination, Admission, Suspension, *and* deprivation *of them, or else it extendeth to the whole* Church, *and consisteth in* Excommunication *and* Absolution. *As to the* Ordination, Admission, Suspension, *and* Deprivation *of Ministers; we see how it is wholy at the pleasure of one man, and that of one man proceeding in a manner Arbitrarily, and that of one man whose interest is concexned in it, that the doore shall be shut against able and painful preaching* Ministers, *and a wide doore set open to such*

as

as are unable, and unfit for that function: many and great and dangerous evills arise from hence. As first, that there is a constant hate and feud between the Ecclesiasticall State and the Civill, betweene Prelates and Parliaments, betweene the Canon Law *and the* Common Law, *betweene the* Clergy *and the* Common-wealth, *arising from the Disproportion and Dissimilitude which is betweene the* Civill *and* Ecclesiasticall Government, *however it may seeme to some to agree well enough, but the* truth is, *if we consider his* Majesty *as the Common-head over the* Ecclesiasticall State, *as well as the* Civill, *wee shall finde that in the exercise of all Civill jurisdiction, in all Courts under his* Majesty, *the power is not in any one, or his Deputies and Commissaries, as it is in the* Ecclesiasticall Government, *in the severall Dioceses throughout this* Kingdome: *If wee looke first upon the Highest and greatest Court, the* High Court of Parliament, *wee know that is a Councell, and a great* Councell *too. In like manner, in the inferiour Courts of* Westminster-Hall, *there are many* Judges *in the point of Law, and more in matter of Fact, wherein every man is judged by twelve of equall condition unto him,* (I meane the Juries,) *which are Judges of the Fact, both in causes Civill and Criminall. And if we look into the Country, we shall find the* Sessions *and* Assizes, *and other* Courts, *held not by any one, but by divers* Commissioners. *And in short, in the Civill Government, every man from the greatest to the least, hath some share in the* Government *according to the* Proportion *of his* Interest *in the* Common-wealth: *But in the* Government *of the* Church, *all is in the hands of one Man, in the severall* Dioceses, *or of his* Chancellors, *or* Commissaries, *and he exacts Canonicall Obedience, to his* Pontificall *Commands, with a totall Exclusion of those that notwithstanding have as much share in the* Church, *and consequently as much Interest in the* Government *of it, as they have in that of the*

Common-wealth. (Sir) untill the Eccleſiaſticall government be framed ſomething of another twiſt, and be more aſſimilated unto that of the Common-wealth, I feare the Eccleſiaſticall government will bee no good neighbour unto the Civill, but will be ſtill a caſting in of its leaven into it, to reduce that alſo to a ſole, abſolute, and arbitrary way of proceeding: And herein (Sir) I doe not beleeve, that I utter Propheſies, but what wee have already found and felt.

A ſecond, and that a great evill, and of dangerous conſequence, in this ſole and arbitrary power of Biſhops over their Clergy, is this, that they have by that meanes, a power to place, and diſplace the whole Clergy of their Dioceſſe at their pleaſure: and this is ſuch a power, as for my part, I had rather they had the like power over the Eſtate and perſons of all within their Dioceſſe; for if I hold the one, but at the will and pleaſure of one man, (I meane the Miniſtery under which I muſt live) I can have but little, or at leaſt no certain joy nor comfort in the other. But this is not all, for if they have ſuch a power to mould the Clergy of their Dioceſſes, according to their pleaſure, wee know what an Influence they may have by them upon the people, & that in a ſhort time they may bring them to ſuch blindneſſe, and ſo mould them alſo to their owne wills, as that they may bring in what Religion they pleaſe: nay, having put out our eyes, as the *Philiſtins* did *Sampſons*, they may afterwards make us grinde, and reduce us unto what ſlavery they pleaſe, either unto themſelves, as formerly they have done, or unto others, as ſome of them lately have beene forward enough to doe. Now whether it be ſafe to walke upon Stilts on the top of the pinacles of the Temple, upon ſo high *precipices*, as are the matters of Religion and Conſcience (which may have alſo a dangerous Influence upon our civill liberties) I leave it to your conſideration: for my part I ſhould

ſhould not thinke it ſafe, that ſuch a power ſhould bee in any one man, though you ſuppoſe him to be a very good man.

A third evill, and that of dangerous conſequence, is that the doore is ſhut againſt able and painfull Preaching *Miniſters*, and a wide doore ſet open to thoſe that are unable, and unfit for that function, and the Biſhops intereſt is concerned in it', that it ſhould bee ſo, *Intereſt of honour, Intereſt of profit, and Intereſt of power, Intereſt of credit*; for they ſee that thoſe painfull Preachers carry away all the credit from them, and they neither can nor will doe the like themſelves: they cannot by reaſon they are ſo intangled with the affaires of this world, and civill juriſdiction; they will not, their great Dignities and Honours make them ſo ſtately, that they thinke it is not Epiſcopall to preach often; and on the other ſide, they are ſo fat, and live ſo much at their eaſe, that through idleneſſe they cannot bring their mindes unto it, and ſo firſt ariſeth envy againſt thoſe that doe take paines, and thence after ſpringeth perſecution. In the next place, *their Intereſt is concerned in matter of profit: for they ſuppoſe, that if the credit of their* Diana *fall to the ground, their gaine will after ceaſe, and that the people will thinke much, that ſome men ſhould take all the paines, and other goe away with all the profit.*

Laſtly, *their Intereſt is concerned in it, in poynt of power, for they finde that neither ſuch preaching Miniſters, nor their Auditors, are ſo plyable to yield blinde Canonicall obedience, as others are: and ſo it concernes them in poynt of power to ſtop their mouthes.*

And now it muſt needes follow by the rule of *Contraries, that it muſt be for their profit, honour, and power, to ſet open a doore to idle and unfit Miniſters.* But there are two particulars which I will note, wherein it concernes them in their profits, to ſet the doore very

wide open, where there is no suspition of *refractarineſſe*. Firſt, we know Biſhops have many times *Livings* in *Commendum* and *Pluralities*: but there is hardly any, but they have impropriations, whereof they are to ſee the Cure diſcharged, and therefore it is for their profit, that there may be good ſtore of cheap Curates, which cannot be very fit and able men; and with ſuch ordinarily they furniſh the Cures of ſuch places whereof they have the Impropriations. (Sir) In the next place we know, that orders are not given, but in a manner ſold, for not onely the Biſhop, and his Regiſter, but alſo his Uſher, his Chamberlaine, his Butler, and Porter, and almoſt all his meniall ſervants muſt have their fees, before the poore Clerke with his Boxe full of Orders can paſſe the Porters Lodge. I heare much of the legall Simony, which conſiſteth in the buying and ſelling of Benefices, but whether this doth not approach nearer to the Evangelicall Simony, which conſiſteth in the buying and ſelling of the gifts of the holy Ghoſt; I offer it to your conſideration. Now (Sir) for Excommunication and Abſolution, all ſeemes to be out of poynt, for Excommunication is neither in right hands, nor exerciſed upon right grounds and matters, nor in a right forme and manner, nor to right ends, and then it is no marvell if it have not right effects. (Sir) we know our Saviour hath lodged it in the Church (for ſo runs the precept) *dic Eccleſia*: now (Sir) that one man ſhould bee a Church, ſounds ſtrangely in my eares. In the next place (I beſeech you Sir) conſider about what their Spirituall Sword is exerciſed, about things no way lying under the ſtroke thereof; A man ſhall be excommunicated for a Pig, or for an Apple, and ſuch like things: I heard once a Gentleman of the Civill Law anſwer hereunto in this houſe, that the Excommunication was not for the thing, but for the contempt, and the leſſe the thing was, that was commanded,

ded, the greater was the contempt : If this were ſo, ſure the greater is the cruelty, to lay command upon ſo ſmall a matter, that draweth after it ſo deepe a cenſure, as to caſt a man downe into Hell. Suppoſe a Magiſtrate ſhould command ſome triviall matter, ſome ceremony or other, under pain of treaſon, and ſhould proceed againſt the Infringers of his command as Traytors, it were much to be doubted, whether the command did not partake more of cruelty, than the diſobedience of contempt ; for when authority ſhall ſo farre loſe it ſelfe, as to lay ſo great a weight upon ſo ſmall a matter, it rendreth it ſelfe contemptible, and then it is no marvaile (I had almoſt ſayd) it is no fault, if it bee contemned, having made it ſelfe contemptible. Then Sir, for the forme of proceeding, it is no whit ſpirituall, there is no faſting and prayer, no ſeeking to reclaime the ſinner, but rather it is after the faſhion of a ſummary Proceſſe in a civill Court, nay, Sir, it is accompanyed ſometimes with an intimation that no man ſhall buy or ſell with the perſon excommunicated, nor ſet him a worke, nor doe any civill or naturall offices unto him. As wee had a complaint brought in this *Parliament*, of a Sonne that was excommunicated onely for repeating a Sermon to his father, being an excommunicate perſon. Now Sir, for the ends for which this cenſure is executed, they are ordinarily to fetch in fees, or at the beſt to bring men under Canonicall obedience, which is the *Ordinaries* will and pleaſure, and I have ſometimes ſeene a *Miniſter* pronounce an *Excommunication*, which he held in one hand, and preſently after the abſolution which he held in the other, ſo the end of the excommunication was the abſolution, and the end of that was fees : (Sir) for the honour of God, for the honour of our nationall Church, and for the honour of the Chriſtian Religion, let the high and great cenſure of the Church no longer lackey after fees, let not

Chriſtians

Christians any longer be cast to Sathan, in the name of *Jesus Christ*, for the non payment of a groat. And now Sir, we may imagine what effects are like to follow upon such premises, the great and dreadfull censure of Excommunication is thereby made contemptible, and were it not for the civill restraints, and penalties that follow upon it, no man would purchase an absolution, though he may have it for a halfe-peny. And I have heard of some that have thanked the Ordinaries for abating or remitting the fees of the Courts; but I never heard of any that thanked them, for reclaiming their soules to repentance, by their Excommunications; (Sir) for absolution, it is relative to excommunication, and so labours of the same diseases: onely one thing I shall particularly note concerning absolution, (Sir) it is called commutation of penance, but indeed it is a destruction of the Ordinance, making it voyd, and of none effect, and surely God never set his Ministers to sell indulgences in his Church. The oath that is to precede absolution, *de parendo juri ecclesiæ, & standa, &c.* hath already beene sufficiently spoken unto, in the debate about the Canons, and therefore there will bee no need of speaking more to that. Now Sir, I am come to my last head, wherein I shall be very briefe; and that is concerning the evills that arise out of the benefices and dignities of the Clergy, the common cause being from the inequality of the distribution of them, much resembling a disease very ordinary at this time amongst Children, which they call the Rickets, wherein the nourishment goeth all to the upper parts, which are over-great and monstrous, and the lower parts pine away: and so it is in the Clergy, some are so poore, that they cannot attend their Ministery, but are faine to keepe schooles, nay, Ale-houses some of them; and some others are so stately, they will not attend their Ministery, and so between them the flock starves: but

our

our evills have more especially proceeded from the excessive worldly wealth, and dignities of one part of the Clergie, I meane such as either are in possession, or in hopes of Bishopricks, for these great places of profit and honour, first, have beene the baites of ambition, and then they became the apples of contention, and last of all, the seeds of superstition, the one being a step and degree unto the other, and all of them leading in the end to the corruption, (that I may not say subversion) of our Religion. Sir, they are first the baites of ambition, and I know not by what secret cause, but experience sheweth us, that when Clergy men have once tasted the sweet of worldly wealth and honours, they are more eager and ambitious after them than any other sort of men; hereupon other godly Ministers, that live more according to the simplicity of the Gospell, and the example of *Christ* and his Apostles, cannot but beare witnesse against their worldly pomp and dignities, and so the fire of contention breaketh forth. And truely (Sir) the state of the Clergy is very like to fire, which whilst it keeps in the Chimney, it is of excellent use to warme those that approach unto it, but if it once breake out into the house, and get upon the house top, it sets all on fire: so whilst the Clergy keepe themselves within the pulpit, they are of great use to stirre up the zeale and devotion of Christians, but if they once flye out into the house, if they begin to meddle with Civill places and jurisdictions, and especially if they once get up to the Counsell-table, it is seldome seene, but that at length they set all on fire; and what is it that maketh the fire to breake out of the chimney, but too much fuell? if there be but a moderate proportion of fuell, the fire keepes it selfe within its bounds, but if you heape faggot upon faggot, a whole Cart load together, then it breaketh out: (So Sir) if there bee a competent maintenance for the Ministery, they will

keep themselves within their bounds, but if Living be heaped upon Living, and Temporalities added to Spiritualities, the flame will soone breake out, and set the house on fire. (Sir) I doe not envy the wealth or greatnesse of the Clergy, but I am very confident, if those were lesse, they would be better, and doe more service to *Christ* and his *Church*; and I am very clear in mine owne heart, that the livings of the Clergy being more equally distributed, the service of God would be so farre from receiving any prejudice, that it would bee much advanced, and withall a good proportion of revenue might returne againe to the Crowne, from whence it was first derived. (Sir) *Bishopricks, Deanries, and Chapiters, are like to great wasters in a Wood, they make no proofe themselves, they cumber the ground whereon they stand, and with their great Armes and Boughes stretched forth on every side, partly by their shade, and partly by their sowre droppings, they hinder all the young wood under them from growing and thriving.* To speake plaine English, these Bishops, Deanes, and Chapiters, doe little good themselves by preaching, or otherwise; and if they were felled, a great deale of good timber might be cut out of them, for the uses of the Church, and Kingdome at this time. A fresh stoole of three or foure able Ministers might spring up in their stead to very good purpose in those great Townes, which are Ordinarily the Seats of those Episcopall, and Collegiate Churches, and the private Congregations of divers Parochiall Churches might thrive and grow better, which now have the Sunne of Gods Word, I meane the cleare and spirituall preaching thereof kept from them, and live in the dangerous shade of ignorance, by reason that all the meanes is taken from them, and appropriated unto Bishops, or to Deanries, and Chapiters; and other such Collegiate Churches. Besides, such as doe begin to grow and start up through the voluntary pains

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offlorne amongſt them, or by ſuch preaching as they themſelves have procured by their voluntary contributions, ſhould not ſtill bee dropped on as they are, from the armes and appendances of thoſe great waſters, and kept downe continually by their bitter perſecutions. That which remaines now, is to ſhew how theſe great Revenues and Dignities, become the ſeedes of ſuperſtition, and that is this: *The Clergy in the maintenance of their greatneſſe, which they are neither willing to forgoe, nor yet well able to maintaine upon the principles of the Reformed Religion, finding that the popiſh principles, whereon the Biſhop of* Rome *built his greatneſſe, to ſuit well unto their ends, that maketh them to ſide with that party, and that muſt needs bring in ſuperſtition: and as ambition alloureth on the one ſide, ſo the principles they goe by, draw them on farther and farther, and happily at length farther than they themſelves at firſt intended.* Whether a reconciliation with *Rome*, were imagined or no by ſome, I leave it to every one to judge within himſelfe; But ſure I am, if an accommodation could have beene made in ſome faſhion or other, with the Church of *Rome*, the Clergy might againe be capable of forraigne preferments, and *Cardinals* Caps, and this is no ſmall temptation. Now Sir, I am at an end, onely I ſhall draw out three concluſions, which I conceive may clearely be collected out of what I have ſaid. *Firſt, that civill juriſdiction in the perſons of Clergy-men, together with their great Revenues, and high places of dignity, is one great cauſe of the evills which we ſuffer in matter of Religion. Secondly, that the ſole and arbitrary power of Biſhops in the ordaining and depriving of Miniſters, and in Excommunication, and abſolution, is another great cauſe of the evills we ſuffer in matter of Religion. Thirdly, the ſtrict urging of Subſcription, and Conformity to the Ceremonies, and Canons of the Church is another great cauſe of evill, which wee ſuffer in matter of*

And now my humble motion is, that we ſhould take a piece onely of this ſubject into our conſideration, but the whole matter, and that not onely that part of the Miniſters Remonſtrance, which hath beene read, ſhould be referred to the Committee which you are about to name, but *Londons* Petition alſo, and all other Petitions of the like nature, ſo ſoone as they ſhall bee read in the houſe, and that the Committee may collect out of them all ſuch heads as are fit for the conſideration of this houſe, and ſurely that is fit to bee conſidered, that happily will not be thought fit to be altered: conſideration is one thing, and alteration another: where there is a mixture of bad and good together, the whole muſt bee conſidered, that we may know how to ſever the good from the bad, and ſo retaine the one, and reject the other, which is all that I deſire. And if any thing have fallen from me more inconſiderate (as in ſo long a diſcourſe many things may have done) I humbly crave the pardon of the houſe, proteſting that I have ſpoken nothing but with a minde which is ready to ſacrifice the body it dwelleth in, to the peace and ſafety of his Majeſties Kingdomes, and the ſafery and honour of his Majeſty in the Government of them.

A Speech made before the Lords in the Upper Houſe; by Mr. *Francis Rous* Eſquire; *March* the 16th. 1640.

Againſt Dr. Coſſens, *Dr.* Maynwaring, *and Dr.* Beale.

My LORDS,

I AM commanded by the Houſe of *Commons* to preſent to your Lordſhips a Declaration and Impeachment againſt Dr. *Coſſens*, and others, upon the complaint of Mr. *Peter Smart*; which Mr. *Smart* was a *Proto-Martyr*, or, firſt Confeſſor of note in the late dayes of perſecution. The whole matter is a Tree, whereof the branches and fruit are manifeſt in the Articles of this declaration; which being read, I ſhall with your Lordſhips favour diſcover and lay open the root.

The Declaration was read, and then He proceeded thus:

My Lords,

I AM now to discover the root of Mr. *Smarts* Persecution.

Your *Lordships* have heard of a great Designe to bring in Popery; you have heard of Armies of Souldiers, and particularly of the Popish Irish Armie, the burthen and Complaint of the Commons. But there is another Army not so much spoken of, and that is an Army of Priests: for since Altars came in (so they delight to be called,) it is a saying of *Gregory* the Great, that when Antichrist comes, *Præparatus est exercitus Sacerdotum*: *There is an Armie of Priests ready to receive him:* this is fulfilled in our time; for certainty this Army of Priests doth many wayes advance the designe and plot of *Popery*. A first is by the subversion of our Lawes, and Government: our *Lawes* and *Popery* cannot stand together; but either *Popery* must overthrow our *Lawes*, or our *Lawes* must overthrow *Popery*: but to overthrow our *Lawes* they must overthrow *Parliaments*; and to overthrow Parliaments, they must overthrow property; thy must bring the Subjects goods to be arbitrarily disposed that so therere may be no need of *Parliament*; this hath bin done by Dr. *Maynwaring*, (whom we finde wanting yet not in the seats, but in the Bar of the *Lords house*) and the like by Dr. *Beale*: and I think it was the intention of the late Canons.

A second way, by which this Army of Priests advanceth the *Popish* Designe, is the way of Treatie. This hath bin acted both by writings & conference: *Sancta Clara* himselfe saith, *Doctissimi eorum quibuscunque egi*; so it seems they have had conferences together: And *Sancta Clara* on his part, labours to bring the Articles of our Church to *Popery*; and some of our side strive to meete him in that way: we have a testimony that the great

Arch-Priest

Arch-Priest himselfe hath said ; *It were no hard matter to make a reconciliation, if a wise man had the handling of it.* But I verily beleeve, that as the state of *Papacie* stands, a farre wiser man than hee cannot reconcile Us, without the losse of our Religion. For the *Pope* being fastned to his Errors, even by his Chaire of Inerrability, hee sits still unmoved, and so wee cannot meete, except we come wholly to him. A man standing in a Boat tyed to a Rocke, when he drawes the Rope, doth not draw the Rocke to the Boat, but the Boat to the Rock. And *Sancta Clara* doth (in this somewhat honestly) confesse it : for he saith that he dealt in this way of Treatie, not to draw the *Church* to the Protestants ; but the Protestants to the *Church*.

A third way is a way of violence, this violence they exercise partly by Secular *Armes*, and partly by Priestly *Armes*, which they call Spirituall: for Secular *Armes* we have their owne confession, that the late warre was *Bellum Episcopale* ; and we have the Papists confession, that it was *Bellum Papale* ; for in their motives, they say, *That the warre concernes them not onely as subjects, but as Catholikes*, for so they falsely call themselves : and if it be so, then *Bellum Episcopale*, is also *Bellum Papale* : in the *Episcopall* Warre, the *Papall* cause is advanced : For the Spirituall *Armes*, thus they come to execution.

When a great Man is comming, his Sumpters, his Furniture, his Provisions goe before : the *Popes* Furniture, *Altars* and *Copes*, *Pictures* and *Images* are come before ; (and if wee beleeve Dr. (*Iessens*) the very substance of the *Masse* ; a certaine signe that the *Pope* was not farre off. Now these fore-runners being come, if any man resist them, Fire comes out of the Brambles, and devoures the Cedars of Lebanon : the *Army* of the *Priests* falls upon him with their *Armes* of Suspension, Sequestration, Excommunication,

Degrada--

Degradation, and Deprivation. And by these *Armes* hath Mr. *Smart* beene oppressed and undone. Hee falls upon their Superstitions, and Innovations, and they fall upon him with their *Armes*, they beate him down, yea they pull him up by the rootes, taking away all his meanes of maintenance and living; yet they leave him life to feele his miseries: *Ita feriunt, ut diu se sentiat mori*; there is no cruelty to Priestly cruelty; these are they that did put our very Saviour to death: the *Calling* is Reverend, but the Corruption of it most pernicious; *Corruptio optimi pessima*: I know no reason of this change, except it be that of the Apostle: *Because when they knew God, they did not worship him as God*, but made a God of the World, placing the excellency of *Priesthood* in worldly pompe and greatnesse, and gave the glory of the invisible God, to *Pictures*, *Images*, and *Altars*: therefore God gave them up to vile affections, to be implacable, unmercifull, and without naturall affection. But whatsoever the cause is of their Corruption; certainly their *Armes* have fallen heavily upon Mr. *Smart*, and *Priestly* cruelty hath cast him into a long misery, from which he could get no release by any *Priestly* mercy.

And now it is prayed, *that as these Delinquents by the cruell oppressions of Mr.* Smart *have advanced the Cause of* Popery, *so they may in such a degree of Iustice bee punished, that in them* Priestly *cruelty, and the very cause of* Popery *may appeare to be punished and suppressed, and that Mr.* Smart *suffering for the Cause of* Protestancy *may bee so repaired, that in him pious Constancy, and the very Cause of* Protestancy *may appeare to be righted and repaired.*

The

A second Speech of the Honorable NATHANAEL FIENNES (second Son to the right Honourable the Lord *Say*) touching the Subjects Liberty against the late Canons *and the new Oath.*

Mr. *Speaker*,

NOW that we are about to brand these Canons in respect of the matter contained in them, it is the proper time to open the foulenesse thereof: and though much of this hath beene anticipated in the generall debate, yet if any thing hath beene omitted, or if any thing may bee farther cleared in that kinde, it is for the service of the House, that it should now be done.

Sir I conceive these Canons doe containe sundry matters, which are not onely contrary to the Lawes of this Land, but also destructive of the very principall and fundamentall Lawes of this Kingdome. I shall begin with the first Canon, wherein the framers of these Canons have assumed unto themselves a Parlia-

mentary power, and that too in a very high degree, for they have taken upon them to define what is the power of the King, what the liberty of the Subjects, and what propriety hee hath in his goods. If this bee not proper to a Parliament, I know not what is. Nay it is the higheſt matter that can fall under the conſideration of a Parliament, and ſuch a poynt as wherein they would have walked with more tenderneſſe and circumſpection than theſe bold Divines have done. And ſurely, as this was an act of ſuch preſumption as no age can parallell: ſo is it of ſuch dangerous conſequence as nothing can be more. For they doe not onely take upon them to determine matters of this nature, but alſo under great penalties, forbid all Parſons, Vicars, Curates, Readers in Divinity, &c. to ſpeake any other wayes of them then as they had defined, by which meanes having ſeized upon all the Conduites, whereby knowledge is convayed to the people, how eaſie would it bee for them in time, to undermine the Kings Prerogative, and to ſuppreſſe the ſubjects liberty, or both.

And now (Sir) I beſeech you to conſider how they have defined this high and great poynt: they have dealt with us in matter of Divinity, as the Judges had done before in matter of Law: they firſt tooke upon them to determine a matter that belonged not to their Judicature, but onely to the Parliament, and after by their judgement they overthrew our propriety, and juſt ſo have theſe Divines dealt with us: they tell us that Kings are an Ordinance of God, of *Divine Right*, and founded in the prime Lawes of Nature, from whence it will follow that all other formes of government, as *Ariſtocracies*, and *Democracies*, are wicked formes of government, contrary to the Ordinance of God, and the Prime Lawes of Nature, which is ſuch new Divinitie as

I never

never read in any Booke, but inthis new Booke of Canons.

Mr. *Speaker*, We all know that Kings, and States, and Iudges, and all Magiſtrates are the Ordinances of God, but (Sir) give mee leave to ſay they were the Ordinances of men, before they were the Ordinances of God. I know I am upon a great and high poynt, but I ſpeake by as great and as high a warrant, if St. *Peters* chaire cannot erre (as St. *Peters* Epiſtles cannot) thus he teacheth us, *Submit your ſelfe to every Ordinance of man for the Lords ſake, whether it bee to the King as ſupreame, or to the Governour, as to him that is ſent by him, &c.*

(Sir) It is worthy noting, that they are Ordinances of men, but that they are to be ſubmitted unto for the Lords ſake, and truely their power is as juſt, and their ſubjects allegeance as due unto them, though we ſuppoſe them to bee firſt ordinances of men, and then confirmed, and eſtabliſhed by Gods Ordinance, as if wee ſuppoſe them to bee immediate Ordinances of God, and ſo received by men. But there was ſomewhat in it, that theſe Divines aimed at, I ſuppoſe it was this. If Kings were of *Divine Right*, as the Office of a Paſtor in the Church, or founded in the prime Lawes of Nature, as the power of a Father in a Family; then it would certainly follow, that they ſhould receive the faſhion and manner of their government, onely from the Preſcript of Gods Word, or of the Lawes of Nature, and conſequently, if there bee no Text, neither of the *Old* nor *New Teſtament*, nor yet any Law of Nature, that Kings may not make Lawes without *Parliaments*, they may make Lawes without *Parliaments*, and if neither in the Scripture, nor in the Law of Nature, Kings be forbidden to lay taxes or any kind of impoſitions upon their people without conſent in Parliament, they may doe it out of Parlia

ment: and that this was their meaning, they expresse it after in plaine termes, for they say that Subsidies and taxes, and all manner of ayds are due unto Kings by the Law of God, and of Nature. (Sir) if they bee due by the Law of God and of Nature, they are due, though there be no act of Parliament for them: nay (Sir) if they bee due by such a right, a hundred acts of Parliaments cannot take them away, or make them undue. And (Sir) that they meant it of Subsidies and aids taken without consent in Parliament, is clearely that addition that they subjoyne unto it, that this doth not take away from the Subject the propriety hee hath in his goods, for had they spoken of Subsidies and aydes given by consent in *Parliament*, this would have been a very ridiculous addition, for who ever made any question, whether the giving Subsidies in Parliament did take away from the Subject the propriety hee hath in his goods, when as it doth evidently imply they have a propriety in their goods? for they could not give unlesse they had something to give: but because that was alledged as a chiefe reason against Ship-mony, and other such illegall payments levied upon the people, without their consent in Parliament, that it did deprive them of their right of propriety, which they have in their goods, these *Divines* would seem to make some answer thereunto, but in truth their answer is nothing else but the bare assertion of a contradiction, and it is an easie thing to say a contradiction, but impossible to reconcile it; for certainely if it bee a true rule (as it is most true) *quod meum est sine consensu meo, non potest fieri alienum*; to take my goods without my consent must needes destroy my propriety. Another thing in this first Canon, wherein they have assumed unto themselves a *Parliamentarie* power, is in that they take upon them to define what is Treason, besides what is determined in the statute of Treasons.

They

They say, to set up any coactive independent power is treasonable both against God and the King, the question is not whether it bee true they say or no, but whether they have power to say what is Treason, and what not? But now (Sir) that I am upon this point, *I would gladly know what kinde of power that is, which is exercised by Arch-Bishops, Bishops, Deanes, Arch-Deacons, &c.* Coactive certainely it is, all the Kingdome feeles the lash thereof, and it must needs bee independant, if it be *jure Divino*, as they hold it, for they doe not meane by an independant power, such a power as doth not depend on GOD. Besides, if their power be dependant, of whom is it dependant? not of the King, for the Law acknowledgeth no way whereby Ecclesiasticall jurisdiction can bee derived from his Majestie, but by his Commission under the great Seale, which as I am informed, they have not: *I speake not of the High Commission, but of that jurisdiction which they exercise in their Archiepiscopall, Episcopall, Archidaconall Courts, &c. and therefore if their owne sentence bee just, wee know what they are, and what they have pronounced against themselves.* But (Sir) it were worth knowing what they aimed at in that independent coactive power, which they terme popular. *I will not take upon me to unfold their meaning; but wee know Doctor* Beale *had a hand in the making of these Canons, and if wee apply his* Paraphrase *to the* Text, *it may give us some cleareneſſe.* I remember amongst other notes of his this was one, that he did acknowledge the Kings Supremacy, but would joyne unto him an assistant (*viz.*) the people, meaning this House, which being the representative body of the COMMONS of *England*, and claiming, as it is so, a share in the Legislative power, Doctor *Beale* calleth this a joyning of an assistant to the King, in whom soly hee placeth the power of making Lawes, and that it

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is but of grace, that he assumeth either the Lords, or Commons for the making of Lawes with him. Now (Sir) the *Legislative* power is the greatest power, and therefore coactive, and it is the highest power, and therefore independent, and if every Estate for the proportion it hath therein, should not have such a power, it should not have it of right, as founded in the Fabricke and frame of the policy and government, but of Grace, or by Commission, as Dr. *Beale* affirmeth. I have done with the first Canon, onely I shall adde this, that considering the principles and positions that are laid downe therein, and comparing them with a clause towards the end of the Canon, that in no case imaginable it is lawfull for subjects to defend themselves, we may judge how farre forth these Canons were to prepare mens mindes for the force that was to follow after; if the accusation against my Lord of *Strafford* bee layed aright. For the matter it selfe, I hope there will never be any need to dispute that question, and I doe beleeve they had as little need, to have published that position, had it not beene upon designe. As for the second Canon, therein also they have assumed to themselves a Parliamentary power, in taking upon them, to appoynt Holidayes, whereas the statute saith in expresse words, that such dayes shall bee onely kept as Holydayes as are named in the Statute, and no other, and therefore though the thing may be *bonum*, yet it was not done *bene*, because not ordained by Parliament, notwithstanding what hath beene alledged to the contrary: it seemeth to mee to bee the appoynting of an Holy-day, to set a time a part for Divine service, and to force men under penalties to leave their labours, and businesse, and to be present at it. And of the same nature is that other clause, in the same Canon, wherein they take upon them without *Parliament*, to lay a charge upon the people, enjoyning two Bookes at least for that day;

day, to be bought at the charge of the parish, for by the same right, that they may lay a penny on the Parish without *Parliament*, they may lay a pound or any greater summe.

As to the third Canon, I shall passe it over, onely the observation that my neighbour of the long Robe made upon it, seemes unto me so good, as that it is worth the repeating, that whereas in the Canon against Sectaries there is an especiall *proviso*, that it shall not derogate from any Statute, or Law made against them (as if their Canons had any power to disanull an act of Parliament) there is no such *proviso* in this Canon against Papists, from whence it may bee probably conjectured, that they might have drawne some colour of exemption from the penall Lawes established against them from this Canon, because it might seeme hard that they should be doubly punished for the same thing, as wee know in the poynt of absence from the Church; the Law provideth, that if any man be first punished by the Ordinary, he shall not be punished againe by the Iustices.

For the fourth Canon against *Socinianisme*, therein also these Canon-makers have assumed to themselves, a Parliament power, in determining an Heresie not determined by Law, which is expressely reserved to the determination of a Parliament. *It is true, they say it is a complication of many heresies, condemned in the four first Councells, but they doe not say what those Heresies are, and it is not possible that Socinianisme should bee formally condemned in these Councells, for it is sprung up but of late:* Therefore they have taken upon them, to determine and damne a Heresie, and that so generally, as that it may bee of very dangerous consequence, for condemning *Socinianisme* for an heresie, and not declaring what is *Socinianisme*, it is left in their breasts whom they will judge and call a *Socinian*. I would not have

have any thing that I have said to be interpreted, as if I had spoken it in favour of *Socinianisme*, & (if it be such as I apprehend it to be) is indeed a most vile and damnable heresie, and therefore the framers of these Canons, are the more to blame in the next Canon against Sectaries, wherein besides that in the preamble thereof, they lay it downe for a certaine ground, which the holy Synod knew full well, that other Sects (*which they extend not onely to Brownists and Separatists, but also to all persons, that for the space of a month, doe absent themselves without a reasonable cause, from their owne parish Churches*) doe equally endeavour the subversion of the Discipline, and Doctrine of the Church of *England* with the Papists, although the worst of them doe not beare any proportion, in that respect to the Papists, I say besides that they make them equall in crime and punishment to the Papists, notwithstanding the great disproportion of their Tenents: there is another passage in this Canon relative to that against *Socinianisme*, which I shall especially offer to your consideration, and that is this. *If a Gentleman comming from beyond Seas should happen to bring over with him a Booke contrary to the Discipline of the Church of England, or should give such a Booke to his friend, nay if any man should abett, or maintaine an opinion contrary thereunto, though it were but in Parliament, if hee thought it fit to be altered, by this Canon he is excommunicated* ipso facto, *and lyeth under the same consideration, and is lyable to the same punishment; as if he had maintained an opinion against the Deity of* Christ, *and of the Holy Ghost, and of our Justification by the satisfaction of Christ.*

(Sir) if in things that are in their owne Nature indifferent, if in things disputable it shall bee as hainous to abett or maintaine an opinion, as in the most horrible and monstrous heresies, that can be imagined, what liberty is left to us as Christians? What liberty is left

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to us as men? I proceed to the first Canon, wherein these *Canonists* have assumed to themselves a Parliamentary power, and that in a very high degree, in that they have taken upon them to impose new Oathes upon the Kings Subjects. (Sir) under favour, of what hath beene alleaged to the contrary, to impose an Oath, if it be not an higher power, then to make a Law, it is a power of making a Law of most high Nature, and of higher and farther consequence then any other Law, and I should much rather chuse that the Convocation should have a power to make Lawes, to binde my person and my estate, then that they should have a power to make Oathes to binde my Conscience: a Law bindes me no longer than till another Law bee made to alter it, but my Oath bindes mee as long as I live.

Againe, a *Law bindes me either to obedience, or to undergoe the penalty inflicted by the Law, but my Oath bindes mee absolutely to obedience.* And lastly, *a Law bindes me no longer than I am in the Land, or at the farthest no longer than I am a member of the State; wherein and whereby the Law is made, but my Oath once being taken doth binde mee in all places, and in all conditions so long as I live.* Thus much I thought good to speake, concerning the power of imposing new Oathes: as to the matter of this new Oath, it is wholly illegall. *It is against the Law of this Land, it is against the Law and light of Nature, it is against the Law of God, it is against the Lawes of this Kingdome; and that no obscure Lawes, nor concerning any meane or petty matters. It is against the Law of the Kings Supremacy, in that it maketh Arch-bishops, Bishops, Deanes, Arch-Deacons, &c. to bee* jure Divino, *whereas the Law of this Land hath annexed to the Imperiall Crowne of this Realme, not onely all Ecclesiasticall Iurisdiction, but also all superioritie over the Ecclesiasticall State, and*

it is to bee derived from him by Commiſsion under the Great Seale, and conſequently it is Jure humano. *Again, it is againſt the Oath of Supremacy, eſtabliſhed by Law poynt blanke, for therein I am ſworne not onely to conſent unto, but alſo to aſſiſt, and to the uttermoſt of my power, to defend all Iuriſdictions, Preheminences, &c, annexed to the Imperiall Crowne of this Realme, of which this is one,* (and that which immediately precedeth this Oath in the Statute, and whereunto it doth eſpecially relate) *That his Majeſty may exerciſe any Iuriſdictions, or Eccleſiaſticall Government by his Commiſsion under the great Seale directed to ſuch perſons, as he ſhall thinke meet, ſo that if he ſhall thinke other perſons more meet, then Arch-biſhops, Biſhops, &c.* I am ſworne in the Oath of *Supremacy* not onely to aſſent thereunto, but to aſſiſt, and to the uttermoſt of my power to defend ſuch an appoyntment of his Majeſty, and in this new Oath I ſhall ſwear never to conſent unto ſuch an alteration.

In the like manner it is againſt the Law and Light of Nature, that a man ſhould ſweare to anſwer (*&c.*) to he knowes not what. It is againſt the Law and light of Nature, that a man ſhould ſweare never to conſent, to alter a thing that in its owne nature is alterable, and may prove inconvenient, and fit to bee altered. Laſtly, it is againſt the Law of God: for whereas there are three rules preſcribed to him that will ſweare aright, that he *ſweare in Iudgement, in Truth, and righteouſneſſe:* hee that ſhall take this new Oath, muſt needs breake all theſe three Rules. *He cannot ſweare in Iudgement, becauſe this Oath is ſo full of ambiguities, that he cannot tell what he ſweares unto; not to ſpeak of the unextricable ambiguity of the &c.* There is ſcarce one word that is not ambiguous in the principall parts of the Oath, as firſt, *What is meant by the Church of* England, *whether all the Chriſtians in* England, *or whether*

whether the Clergie onely, or onely the Arch-Bishops, Bishops, Deanes, &c. Or whether the Convocation, or what? In like manner it is as doubtfull what is meant by the Discipline, and what by the *Doctrine of the Church of England*, for what some call *Superstitious Innovations*, if others affirme to be consonant to the *Primitive*, and that the purest Reformation in the time of *Edward the 6.* and in the beginning of the Reigne of Queene *Elizabeth*: and so for the Doctrine of the Church of *England*; if all *the Positions* that of later yeares have beene challenged by some of Divines to bee *Arminian* and *Popish*, *and contrary to the Articles of our Religion*, and which on the other side have beene asserted and maintained as *consonant to the Doctrine of our Church*; *and if the Articles of Religion were gathered together, they might make a pretty volume:* Nay, *Sancta Clara* will maintaine it in despight of the *Puritanes*, *that the Doctrine of the Church of* Rome, *is the Doctrine of the Church of* England. Truely it were very fit that wee knew, *what were the Doctrine and Discipline of the Church of* England *before we sweare to it*, and then (Sir) give me leave to say, *that I should be very loath to sweare to the Discipline, or to the Doctrine and Tenents of the purest Church in the World, as they are collected by them, farther than they agree with the Holy Scriptures.*

Lastly, it is as doubtfull what is meant, by the *Doctrine* and *Discipline* established, and what by altering & consenting to alter, whether that is accompted, or established, which is estalished by a Act of *Parliamẽt, or wether that also that is established, by Canons, Injunctions, &c. and whether it shall not extend to that which is published by our Divines with the allowance of authority* & so for consenting to alter whether it be only meant, that a man shall not bee active in altering, or whether it extend to any consent, and so that a man shall not

ſubmit to it, nor accept of it, being altered by the State.

More ambiguities might be ſhewne, but theſe are enough to make it cleare, *that hee that ſhall take this Oath cannot ſweare in Iudgement.* Nor can he ſweare in *Truth*, for it is full of *untruths.* It is not true, *that Diſcipline is neceſſary to ſalvation.* It is not true, *that Arch-Biſhops, Biſhops, Deanes, Arch-Deacons, &c. are* jure Divino, *as they muſt needs bee, if the Law-makers ought of right to eſtabliſh them, as they are eſtabliſhed: for the Law-makers are not bound as of right, to frame their Lawes to any other than the Lawes of God alone.* Now whether Biſhops be *jure Divino*, we know it is a diſpute among the Papiſts, and never did any *Proteſtant* hold it till of late yeares, *but that Arch-Biſhops, Deanes, Arch-Deacons, &c. ſhould be* jure Divino, *I doe not know that ever any Chriſtian held it before*, and yet he that taketh this Oath muſt ſweare it. Laſtly, as hee that taketh this Oath cannot ſweare in *Iudgement* nor in *Truth*, ſo neither can hee ſweare in *Righteouſneſſe*, for it is full of *unrighteouſneſſe*, being indeed, as hath beene well opened, a Covenant in effect againſt the King and Kingdome; for if the whole *State* ſhould finde it neceſſary to alter the Government by Arch-Biſhops, Biſhop, &c, a great part of the Kingdome, eſpecially of the Gentry (for not onely the Clergy, but all that take Degrees in the *Univerſities* are bound to take it) will be preingaged not to conſent to it, or admit of it. Againe it is a great wrong to thoſe that ſhall bee Parliament-men, that their freedome ſhall be taken away being bound up by an Oath, not to conſent to the altering of a thing, which it may be fit and proper for a Parliament to alter. And ſuppoſe that for the preſent it bee no hinderance to the ſervice of God, nor yet burdenſome to the King and Kingdome, yet if it ſhould prove ſo hereafter, for

a man

a man to bee bound by an Oath never to consent to alter it, may bee a great wrong to God in his service, and to the King and Kingdome in their peace and welfare, and therefore this Oath cannot be taken in *Righteousnesse*. For the other Oath *de parendo juri Ecclesiæ, & stando mandatis Ecclesiæ*, though it make lesse noyse than the other, yet it is not of lesse dangerous consequence. *If I remember well the Storie, this was the Oath that the Pope made King* John *to take, and when hee had sworne* stare mandatis Ecclesiæ, *the Pope commanded him to resigne his Kingdome to him, and truely bee hee Gentleman or Noblemen, or what ever else, when hee hath once put his necke into this neuse, his Ghostly Fathers may drag him whither they will, for they have the quantity and the quality of the penance in their owne breast, and if they shal enjoyne him to give any summe towards the building of a Church, or the adorning of a Chappell, he must pay it; or if they should enjoyne him any servile or base action (as there are not wanting examples of that kinde in the time of Popery) they are sworne* stare mandatis Ecclesiæ, *and so cannot recede, but must performe it.* Nay, I dare not warrant any man from the rods of *Henry* the second, or of *Raymond* of *Tholouze*; what hath beene done may bee done, I am sure the power is the same. And that other Oath also (though more usuall in practise, and more confirmed by these new *Canons*) which is administred to Church-wardens, would bee looked into. For it is hardly possible for them that take it not to be forsworne, being they sweare to so many particulars, *that they cannot mirde, and to some that they cannot understand*, as how many Church-wardens are there in *England*, that understand what *Socinianisme* is, in case they be sworne, to present the offenders against that Canon, which concernes that matter. I shall only adde a word or two concerning two Canons more, which seeme to be Canons of Reformation.

The first is, concerning *Excommunication*, to bee pronounced onely by a *Divine*, wherein it is alledged for the framers of these Canons, that if they have not more Law on their sides, yet they may seeme to have more reason. *For my part, as in all other things, I thinke they have so mended the matter, that they have made it far worse, for before that which was found fault with was this, that a Lay-man did that which the grave Divine should have done, and now the grave Divine must doe what ever the Lay-man would have done, for the* cognisance *of the cause, and the power of Iudicature is wholly in the Lay-man, onely the grave Divine is to be his servant, to execute his sentences, and hath such a kinde of managing the spirituall sword allowed onely unto him as the Papists in some cases were wont to afford unto the civill Magistrate, in respect of the Temporall sword, for as if the Civill sword by an implicite Faith had been pinned to the Lawn-sleeves, they condemned men of Heresie, and then delivered them over to the Secular power: but what to doe?* Not to have any *cognisance* of the cause, nor to exercise any power of judicature, but onely to be their executioners, and to burne the Heretick whom they had condemned, and so they judged men excommunicate, and then the Civill power was to send out Writs *de excommunicato capiendo* against them, but one said well, that the sword without *cognisance* of the cause, and judgement, was like *Polyphemus* without his eye, it became violence and fury. But being accompanyed with the eye of judgement, it is equity and justice: and surely where the Spirituall or Civill Governour is called upon to strike, hee must be allowed to see and judge whom and wherefore he strikes, otherwise he will be able to give but an ill accompt to God, of the managing of the sword wherewith he is instructed.

The other Canon is the last Canon against vexatious Citations, wherein they seeme to have some sence of the

the great grievances that poore people lye under; by occasion of vexatious citations, and molestations in *Ecclesiasticall Courts*, and I verily believe, that there is not a greater oppression in the whole Kingdome upon the poorer sort of people, then that which proceedeth out of these *Courts*. But now (Sir) let us see what provision they have made against it by this Canon. They say because great grievances may fall upon people by citations upon pretence onely, of the breach of that Law without any presentment, or any other just ground, that no citations grounded onely as aforesaid, shall issue out, except it be under the hand and Seale of the *Chancellour, Commissarie, Arch-Deacon*, or other competent Judge; so that (if there be any sence in these words) though there be no presentment at all, nor any other just ground, yet a citation may issue out, so it be under the hand and Seale of the *Chancellour, Commissary*, or other competent Judge, and the partie shall not be discharged without paying his fees, nor have any reliefe by this Canon. But suppose the *Citation* be not under the hand and Seale of any competent Iudge, and that there was neither presentment nor any just ground for it, shall he then bee dismissed without paying any fees? No, unlesse first contrary to the Law of Nature, there being no presentment, nor just ground of accusation against him, he shall by his Oath purge himselfe of pretended breaches of Law, and then too hee shall onely have the fees of the Court remitted, but shall have no satisfaction for his troublesome and chargeable journey, and for the losse of his time, and being drawne away from his affaires Nay, lest they should seeme to have beene too liberall of their favour, they adde a *proviso* in the close of the Canon, that this grace of theirs shall not extend to any grievous crime, as *Schisme, Incontinency*, misbehaviour in the Church, or obstinate inconformity. And what do

they

they call misbehaviour in the Church? If a man doe not kneele at the Confession, or have his hat on, when the Lessons are reading. In like manner what doe they call obstinate inconformity? If a man will not thinke what they would have him thinke, if a man will not say what they would have him say, if a man will not sweare what they would have him sweare, if a man will not read what they would have him read, if a man wil not preach what they would have him preach, if a man will not pray what they would have him pray; In short, if a man will not doe what ever they would have him doe, then hee is an inconformist, and after that they have duely admonished him, *primo, secundo, tertio*, all in one breath, then hee is contumacious, then he is an obstinate Inconformist.

Now (Sir) my humble motion is, that in consideration of all the premisses, and what besides hath beene well laid open by others; wee should proceed to dam these Canons, not onely as contrary to the Lawes of the Land, but also as containing sundry matters, destructive of the rights of *Parliaments*, and of the fundamentall and other principall Lawes of this Kingdome, and otherwise of very dangerous consequence.

The

The Lord *Digby's* Speech to the House of Commons, concerning Bishops, and the City petition, the 9. of *Febr uary.* 1640.

Mr. Speaker,

I Know it is a tender subject I am to speake of, wherein I beleeve some within these Walls are engaged with earnestnesse in contrary opinions to mine; and therefore it will be necessary, that in the first place I beseech the patience of this House, that they will bee pleased to heare mee without interruption: though somewhat I say should chance to be displeasing, I hope there will be somewhat from mee ere I conclude, that may be of Service to this House.

Sir, if I thought there were no further designe in the desires of some, that this *London Petition* should be committed, then meerely to make use of it, as an *Index* of grievance: I should winke at the faults of it, and not much oppose it.

There is no man within these walls, more sensible of the heavy grievance of Church government, *then my Selfe; nor whose affections are keene to the clipping of those wings of the* Prelates, *whereby they have mounted to such insolencies, nor whose zeale is more ardent to the searing them, as that they may never spring againe.*

But having reason to beleeve that some aime at a totall extirpation of Bishops, *which is against my heart, and that the committing of this* Petition, *may give countenance to that Designe, I cannot restraine my selfe from labouring*

to divert it, or at least to set such notes upon *it, as may make it ineffectuall to that end.*

Truely, Sir, when this *Petition* was first brought into the *House*, I considered it in its nature, in the manner of the delivery in the present conjuncture of affaires, both *Ecclesiasticall* and *Civill*, to bee a thing of the highest Consequence that any Age hath presented to a *Parliament*; and the same thoughts I have of it still.

I professe, I looked upon it then with *terrour*, as upon a Comet or blazing starre, raysed and kindled out of the stench, out of the poysonous exhalation of a corrupted *Hierarchy*: Mee thought the Commet had a terrible Tayle with it, Sir, and poynted to the *North*, the same feares dwell with mee still concerning it, (*and I beseech God they may not proove Prophetical:*) I feare all the *Prudence*, all the *Fore-cast*, all the *Vertue* of this House, how unitedly soever *collected*, how vigorously applyed, will have a hard worke of it. Yet to hinder this *Meteor* from causing such Distempers and Combustions by its Influence, as it then portended by its appearance; what ever the Event bee, I shall discharge my *Conscience* concerning it, freely and uprightly, as unbyast by popularity, as by any Court respects.

Sir, I could never flatter the sense of *this House*, which I Reverence so much, as to suppresse a single No, that my heart dictated, though I knew the venting of it might cast prejudices upon mee: had my Fortune plac'd mee neere a King, I could not have flattered a King; and I doe not intend now to *flatter a multitude.*

I shall desire those worthy Aldermen, *and the rest here of the City of* London, *not to take any thing I shall say, in the least way of disparagement or reflection on the City; I looke not upon this Petition, as a Petition from the City of* London, *but from I know not what,* 15000. Londoners

Londoners, *all that could be got to subscribe.*

When this Petition was first presented, there might bee more reason for the *Commitment* of it, as being then the most comprehensive Catalogue wee had of Church grievance, but now that the Ministers by their *Remonstrance*, have given us so faire and full an Index of them without those mixtures of things *contemptible*, *irrationall*, and *presumptuous*, wherewith this *Petition* abounds; I do not know I professe to what good end it can be committed, being full of contemptible things, but first let me recall to your minde the manner of its delivery: And I am confident, there is no man of judgement, that will thinke it fit for a Parliament under a Monarchy, to give countenance to irregular and tumultuous assemblies of people, be it for never so good an end: Besides, there is no man of the least insight into Nature, or History, but knowes the danger, when eyther true or pretended stimulation of conscience hath once given a multitude agitation.

Contemptible things (Sir) swarme in the 8. 13. 14. 15, 16, 17. Articles of this *Petition*. Did ever any body thinke that the gaites of *Ovid*, or *Tom. Caryes* muse, should by 15 000. have beene presented to a Parliament, as a motive for the extirpation of Bishops, the scandall of the Rochet, the Lawne-sleeves, the foure corner Cap, the Cope, the Surplesse, the Tippet, the Hood, the Canonicall Coat, &c. may passe with arguments of the same weight; onely thus much let me observe upon it (Mr. *Speaker*) that one would sweare the penners of the *Article* had the pluming of some Bishops already, they are so acquainted with every feather of them. In a word, I know not whether be more prepostorous, to inferre the extirpation of Bishops from such weake Arguments, or to attribute as they doe to Church government all the civill grievance; not a Patent, not a Monopoly, not the price of a com-

moditie rayſed, but theſe men make Biſhops the cauſe of it.

For the *irrationall* part (Mr. *Speaker*) firſt they *Petition* us in a Method only allowable with thoſe, whoſe Iudgement or Iuſtice is ſuſpected, that is *Iniquum petere, ut æquum feras*: There is no Logick, no reaſoning in their demands: It were want of Logick in mee to expect it from a multitude, but I conſider the multitude in this is led by implicite faith, to that which hath beene digeſted, and contrived but by a few, and in them truely I cannot but wonder at the want of Reconciliation here.

A *Petition*, Mr. *Speaker*, ought in this to bee a kinde of Syllogiſme, that the Concluſion, the Prayer ought to hold proportion with the premiſſes, that is, with the Allegations, and Complaints, and to be reaſonably deduc't from them.

But what have we here? a multitude of Allegations, a multitude of inſtances, of abuſes, and depravations of Church Government: And what inferred from thence? let the uſe be utterly aboliſht for the abuſes ſake: As if they ſhould ſay, that becauſe Drunkenneſſe and Adultery are growne ſo epidemicall, as is alledged in the *Petition*; Let there be no more uſe of Wine nor of Women in the Land.

Chriſts Diſcipline hath beene adulterated, 'tis true, the whole Church inebriated by the Prelates, therefore infer our *Petitioners*, let not ſo much as the chaſte, the ſober uſe of them be ſuffered.

Give me leave to continue one of the Compariſons a little further; ſhould it bee demonſtrated unto us, that Wine could not be made uſe of without Drunkenneſſe, and withall ſome ſuch Liquor preſented, as healthy, and as nouriſhing, from which no diſtemper could ariſe; I ſhould not blame any man for deſiring to pluck up the Vine by the roots. But for the moveable ills-ſake,

to

to take away the ſolid good of a thing, is juſt as reaſonable in this, as to root up a good tree, becauſe there is a Canker in the branches.

For the bold part of this *Petition*, Sir, what can there be of greater preſumption, than for *petitioners*, not onely to preſcribe to a *Parliament*, what, and how it ſhall doe; but for a multitude to teach a Parliament, what, and what is not the government according to Gods word.

Beſides, what is the *Petition* againſt? is it not againſt the government of the Church of *England*, eſtabliſhed by Acts of Parliament? Is it not againſt the Liturgy, againſt ſeverall formes of Divine ſervice, ratified by the ſame Authority?

'Tis true, Mr. *Speaker*, the Parliament may mend, may alter, may repeale Lawes, may make new, and I hope, in due ſeaſon wee ſhall doe ſo in poynt of Church-government: but in the meane time let me tell you, Sir, I cannot but eſteeme it an irreverence, an high preſumption in any, to *petition* point blank againſt a Law, or Government in force.

Repreſentment of Inconvenience may bee made, (as the Miniſters have done) ſuch as may endure the wiſedome of a Parliament, to adviſe Lawes, to rectifie, to repeale them; but it imports the very eſſence of Parliaments, to keepe up the honour of its former Acts, and not to ſuffer them to bee further blaſted from abroad.

Beleeve me, Mr. *Speaker*, all the reverence and authority, which we expect from future times to our owne Acts hereafter depends upon our upholding the dignity of what former Parliaments have done, even in thoſe things which in their due time we may deſire, and intend to reverſe.

Mr. *Speaker*, you ſee in what plaine language I have ſet forth unto you the faults of this Petition, notwithſtanding

withſtanding as great as they are, ſo they may not obtaine any ſeeming countenance from us; I find my ſelfe willing to have them paſt by, eſpecially when I conſider how naturally prone all mankinde is, when it findes it ſelfe oppreſt beyond patience, to flye unto extreames for eaſe. And indeed, I doe not think, that any people hath beene evermore provoked, then the generality of *England*, of late yeares, by the inſolencies, and exorbitances of the Prelates.

I proteſt ſincerely, Mr. *Speaker*, I cannot caſt mine eye upon this Petition, nor my thoughts on the practiſes of the Church-men, that have governed it of late; but they appear'd to me as a ſcourge imployed by God upon us for the ſinnes of the Nation; I cannot thinke of that paſſage in the Booke of *Kings*, *He that eſcapes the Sword of* Hazael, *ſhal* Jehu *ſlay*; *and he that eſcapes* Iehu, *ſhall* Eliſha *ſlay*.

Mee thinkes the vengeance of the Prelates hath bin ſo laid, as if 'twere meant, no generation, no degree, no complexion of mankinde ſhould eſcape it.

Was there a man of a nice and tender Conſcience? him have they afflicted with ſcandall in *Adiaphoris*, impoſing on him thoſe things, as neceſſary, which hee thinks unlawfull, and they themſelves knew to bee but indifferent.

Was there a man of a legall conſcience, that made the eſtabliſhments by Law, the meaſure of his religion? him have they netled with *Innovations*, with freſh *Introductions* to Popery.

Was there a man of a meek and humble ſpirit? him have they trampled to dirt in their pride.

Was there a man of a proud and arrogant nature? him have they bereft with indignation at their ſuperlative inſolence about him.

Was there a man peaceably affected, ſtudious of the quiet, and tranquillity of his Countrey? their incendiariſhip hath plagued him.

Was

Was there a man faithfully addicted to the right of the Crowne, loyally affected to the Kings Supremacy? how hath he beene galled by their new Oath? a direct Covenant against it.

Was there a man tenacious of the liberty, and propriety of the Subject? have they not set forth Books, or Sermons, or Canons destructive to them all?

Was there a man of a pretty sturdy conscience, that would not blanch for a little? their pernicious Oath hath made him sensible, and wounded, or I feare prepared him for the Devill.

Was there a man that durst mutter against their Insolencies? hee may inquire for his Lugges, they have beene within the Bishops visitation; as if they would not onely derive their Brandishment of the spirituall sword from St. *Peter*, but of the materiall one too, *and the right to cut off Eares*.

Mr. *Speaker*, as dully, as faintly, as unlively, as in Language, these actions of the Prelates have been expressed unto you, I am confident, there is no man heares me, but is brim-full of indignation.

For my part, I professe I am so enflamed with the sence of them, that I finde my selfe ready to cry out with the loudest of the 1500, *downe with them, downe with them, even to the ground.*

But M. *Speaker*, when I cast mine eye round upon this great and wise Assembly, and find my selfe a part too, (though the most unworthy and inconsiderable) of that *Senate*, from whose *dispassionate* and equall *Constitutions*, present and future times must expect their happines or infelicity:

It obliges mee to the utmost of my power to divest my selfe and others of all those disturbances of Judgement which arise ever from great Provocations, and to settle my thoughts in that temper, which I thinke necessary to all those that would

would judge clearely of such things as have incenst them.

I beseech you Gentlemen, let us not bee led on by passion to popular and vulgar Errors, it is naturall (as I told you before) to the multitude to flie into extreames; that seemes ever the best to them, that is most opposite to the present est object of their hate.

Wise Councells (Mr. *Speaker*) must square their Resolutions by another measure, by what's most just, most honourable, most convenient: Beleeve mee, Sir, *great alterations of Government are rarely accompanyed with any of these.*

Mr. *Speaker*, we all agree upon this; that a *Reformation* of Church *Government* is most necessary, and our happy unity of opinions herein should be one argument unto us to stay there; but, Sir, to strike at the Roote, to attempt a totall Alteration, before ever I can give my vote unto that, three things must be made manifest unto me.

First, that the mischiefes which we have felt under Episcopall Government flow from the nature of the function, not from the abuses of it onely, that is, that no Rules, no Boundaries can be set to Bishops able to restraine them from such Exorbitances.

Secondly, such a frame of Government must be laid before us, as no time, no Corruption can make lyable to proportionable inconveniences with that which we abolish.

And thirdly, it must be made to appeare that this *Utopia* is practicable.

For the first, Sir, that Episcopacy a function deduced through all ages of Christs Church, from the Apostles times, and continued by the most venerable and sacred Order Ecclesiasticall; a function dignified by the learning and Piety of so many Fathers of the Church, glorified by so many Martyrdomes in the Primitive times,

and

and some since our owne blessed *Reformation*, a government admired (I speak it knowingly) by the learnedst of the *Reformed* Churches abroad: and lastly, a government under which (till these late yeares) this Church hath so flourished, so fructified, that such a government, such a function, should at the fagge end of 1640. yeares bee found to have such a close Devill in it, as no power can Exercise, no Law Restraine, appeares (Sir) to mee a thing very improbable: I professe, I am deceived Sir, if Trienniall Parliaments will not be a Circle able to keep many a worse Devill in order.

For the second, I know not the strength of other mens fancies, but I will confesse unto you ingenuously the weakness of my faith in the poynt, that I doe not beleeve there can any other government bee proposed, but will in time bee subject to as great or greater inconveniences than Episcopacy, I meane Episcopacy so ordered, reduced, and limitted, as I suppose it may bee by firme and solid Boundaries.

Tis true Sir, we cannot so well judge before-hand of future inconveniences, for the knowledge of the faults and mischiefes of Episcopall government, resulting from fresh and bleeding experience.

And the insight into dangers of any new way that shall be proposed being to rise onely from speculation, the apprehension of the one is likely to be much more operative than of the other, though perhaps in just reason it ought to bee the weaker with us, it is hard in such cases for us to preserve an equall and unpropense judgement; since being in things of this world so much too hard for faith and contemplation, yet as Divine as our inspection is into things not experimented, if wee hearken to those that would quite extirpate Episcopacy; I am confident that in stead of every

Biſhop wee put downe in a Dioceſſe, wee ſhall ſet up a Pope in every Parish.

Laſtly, Mr. *Speaker*, whether the ſubverſion of Epiſcopacy, and the introducing of another kinde of Government be practiceable, I leave it to thoſe to judge who have conſidered the Connexion and Interweaving of the Church Government with the Common Law, to thoſe who heard the Kings Speech to us the other day, or who have looked into reaſon of ſtate.

For my part (though no Stateſ man) I will ſpeake my minde freely in this, I doe not thinke a King can put downe Biſhops totally with ſafety to Monarchy; not that there is any ſuch allyance as men talk of 'twixt the Myter and the Crowne, but from this reaſon; that upon the putting downe of Biſhops, the Government of Aſſemblies is likely to ſucceed it, That (to bee effectuall) muſt draw to it ſelfe the ſupremacy of Eccleſiaſticall juriſdiction that (conſequently) the power of Excommunicating Kings as well as any other brother in Chriſt, and if a King chance to be delivered over to Sathan, judge whether men are likely to care much what becomes of him next.

Theſe things conſidered M. *Speaker*, let us lay aſide all thoughts of ſuch dangerous, ſuch fundamentall, ſuch unaccomplished Alterations: and all thought of countenancing thoſe thoughts in others; let us all reſolve upon that courſe wherein (with union) wee may probably promiſe our ſelves ſucceſſe, happineſſe, and ſecurity, that is in a through Reformation.

To that, no mans vote ſhall be given with more zeale, with more heartineſſe than mine. Let us not deſtroy Biſhops, but make Biſhops ſuch as they were in the Primitive times.

Doe their large Territories, their large Revenues offend? let them be retrencht, the good Biſhop of *Hippo* had but a narrow Dioceſſe.

Doe

Doe their Courts and ſubordinates offend? let them be brought to governe as in the Primitive times, by Aſſemblies of their Clergy.

Doth their intermedling in ſecular affaires offend? exclude them from the capacity, it is no more than what Reaſon, and all Antiquity hath interdicted them.

That all this may bee the better effected, M. *Speaker* my motion is, that; Firſt, we may appoynt a Committee to collect all grievances ſpringing from the miſgovernment of the Church (to which the Miniſters head of Government will bee ſufficient without countenancing this Petition by a Commitment) and to repreſent it to this houſe in a Body.

And in the next place that wee may (if it ſtand with the order of Parliaments) deſire that there may bee a ſtanding Committee of certain members of both Houſes, who (with a number of ſuch learned Miniſters as the Houſes ſhall nominate for Aſſiſtants) may take into conſideration all theſe grievances, and adviſe of the beſt way to ſettle peace and ſatisfaction in the Government of the Church, to the comfort of all good Chriſtians, and all good Common-wealths Men.

The Accusation and Impeachment of *John* Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seale of *England*, by the House of *COMMONS*.

IN primis, That the said *John* Lord *Finch*, Baron of *Fordwich*, Lord Keeper, &c. hath traiterously, and wickedly, endeavoured to subvert the fundamentall Lawes, and established Government of the Realme of *England*, and in stead thereof to introduce an arbitrary tyrannicall government against Law, which hee hath declared by trayterous and wicked words, counsells, opinions, judgements, practices, and actions.

II.

That in pursuance of those his trayterous and wicked purposes, hee did in the third and fourth yeare of his Majesties reigne, or one of them, being then Speaker of the Commons House of Parliament, contrary to the commands of the House then assembled, and sitting, denyed

denyed and hindred the reading of ſome things which the ſaid Houſe of Commons required to bee read for the ſafety of the King and Kingdome,& preſervation of the Religion of this Realme; and did forbid all the members of the houſe to ſpeake, and ſaid, that if any did offer to ſpeake, he would riſe and goe away, and ſaid nothing ſhould bee then done in the houſe, and did offer to riſe and goe away, and did thereby and otherwiſe, in as much as in him lay, endeavour to ſubvert the ancient and undoubted rights and courſe of Parliaments.

III.

That he being of his Majeſties Councell at the Iuſtice ſeate held for the County of *Eſſex*, in the moneth of *October*, in the tenth yeare of his now Majeſties reigne, at *Strafford Langton* in the ſame County being then of his Majeſties Councell, in that Service did practiſe by unlawfull meanes, to enlarge the Forreſt of that County, many Miles beyond the knowne bounds thereof, as they had beene enjoyed neere 300 yeares, contrary to the Law. and to the Charter of the liberties of the Foreſt; and other Charters, and divers Acts of Parliament: and for effecting the ſame, did unlawfully cauſe and procure undue returnes to be made of Iurors, and great numbers of other perſons who were unſworne, to be joyned to them of the Iury, and threatned and awed the ſayd Iurors to give a Verdict for the King, and by unlawfull means did ſurpriſe the County, that they might not make Defence, and did uſe ſeverall menacing wicked Speeches and Actions, to the Iury and others, for obtayning his unjuſt purpoſe aforeſaid, and after a Verdict obtained for the King in the Moneth of *April* following (at which time the ſayd Iuſtice Seate was called by adjornment)

ſouernment) the ſayd *John* Lord *Finch* then Lord Chiefe Iuſtice of his Maj ſties Court of Commo n Pleas, and was one of the Iudges aſſiſtants for them; he continued by further unlawfull and unjuſt practices, to maintaine and confirme the ſaid verdict, and did then and there being aſſiſtant to the Iuſtice in Eyre, adviſe the refuſal of t e traverſe offered by the County, and all their evidences, but onely what they ſhould verbally deliver, which was refuſed accordingly.

IV.

That hee, about the Moneth of November, 1635. hee being then Lord Chiefe Iuſtice of the Common Pleas, and having taken an oath for the due adminiſtration of Iuſtice to his Majeſties Liege people, according to the Lawes and ſtatutes of the Realme, contrived in opinion in *hæc verba*, (when the good and ſafety, &c.) and did ſubſcribe his name to that opinion, and by perſwaſions, threats, and falſe ſuggeſtions, did ſolicite, and procure Sir *John Bramſtone* Knight, then and now Lord Chiefe Iuſtice of England, Sir *Humfrey Davenport* Knight, Lord chiefe Baron of his Majeſties Court of Exchequer, Sir *Richard Hutton* Knight, late one of the Iuſtices of his Majeſties Court of Common Pleas, Sir *John Denham* Knight, late one of the Barons of his Majeſties Court of Exchequer, Sir *William Iones* Knight, late one of the Iuſtices of the ſaid Court of Kings Bench, Sir *George Croke*, then and now one of the Iudges of the ſaid Court of Kings Bench, Sir *Thomas Trevor* Knight, then and now one of the Barons of the Exchequer, Sir *George Vernon* Knight, late one of the Iuſtices of the ſaid Court of Common Pleas: Sir *Robert Barkley* Knight, then and now one of the Iuſtices of the ſaid Court of Kings Bench, Sir *Francis Crawly* Knight, then and now one of the Iuſtices

ces of the ſaid Court of Common Pleas, Sir *Richard Weſton* Knight, then and now one of the Barons of the ſaid Court of Exchequer, ſome or one of them to ſubſcribe, with their names the ſaid opinion preſently, and enjoyned them ſeverally ſome or one of them ſecreſie upon their allegeance.

V.

That he the fifth day of *Iune*, then being Lord Chiefe Iuſtice of the ſaid Court of Common Pleas, ſubſcribed an extrajudiciall opinion in anſwer to queſtions in a letter from his Majeſty, *in hæc verba, &c.*

And that he contrived the ſaid queſtions, and procured the ſaid Letter from his Majeſty; and whereas the ſaid Iuſtice *Hutton* and Iuſtice *Crook* declared to him their opinions to the contrary; yet hee required and preſſed them to ſubſcribe, upon his promiſe that hee would let his Majeſty know the truth of their opinions; notwithſtanding ſuch ſubſcriptions, which nevertheleſſe he did not make knowne to his Majeſtie, but delivered the ſame to his Majeſty, as the opinion of all the Iudges.

VI.

That hee being Lord Chiefe Iuſtice of the ſaid Court of Common Pleas, delivered his opinion in the Chequer Chamber againſt Maſter *Hampden* in the caſe of Ship-money; that hee the ſaid Maſter *Hampden* upon the matter and ſubſtance of the caſe was chargeable with the money then in queſtion: a Coppy of which proceedings the Commons will deliver to your Lordſhips, and did ſolicite and threaten the ſaid Iudges ſome or one of them to deliver their opinions in like manner againſt Maſter *Hampden*: and after the ſaid Baron *Denham* had delivered his opinion

for

for Master *Hampden*, the said Lord *Finch* repaired purposely to the said Baron *Denhams* Chamber in Serjeants Inne in Fleetstreet, and after the said Master Baron *Denham* had declared and expressed his opinion, urged him to retract the said opinion, which hee refusing, was threatned by the said Lord *Finch*, because hee refused.

VII.

That hee then being Lord chiefe Justice of the Court of Common Pleas, declared and published in the Exchequer Chamber, and westerne circuit where he went Judge, that the Kings right to Ship-money, as aforesaid, was so inherent a right to the Crowne, as an Act of Parliament could not take it away; and with divers malicious speeches inveighed against, and threatned all such as refused to pay Ship-money; all which opinions contained in the foure, five, & sixth Articles, are against the Law of the Realme, the Subjects right of property, and contrary to former resolutions in Parliament, and to the petition of right: which said resolutions and petition of right, were well knowne to him, and resolved and enacted in Parliament, when he was Speaker of the Commons house of Parliament.

VIII.

That hee being Lord chiefe Justice of the Court of Common Pleas, did take the generall practice of that Court to his private Chamber; and that hee sent warrants into all or many shires of England to severall men, as to *Francis Giles* of the County of Devon, *Robert Benson* of the County of Yorke, Attorneys of that Court, and to divers others, to release all persons arrested on any utlawry about 40. shillings fees, whereas none by Law so arrested, can be bailed or released without Supersedeas under seale or reversall.

IX.

IX.

That hee being Lord Chiefe Iuſtice of the Court of Common pleas, upon a pretended ſuit begun in *Michaelmas* Terme, in the 11. yeare of his Majeſties Reigne, although there was no plaint or Declaration againſt him, did notoriouſly and contrary to all Law and Iuſtice, by threats, menaces, and impriſonment, compell *Thomas Laurence*, an Executor, to pay 19 pound 12 ſhillings, and likewiſe cauſed *Richard Bernard*, being onely over-ſeer of the laſt Will of that Teſtator, to bee arreſted for the payment of the ſaid Money, contrary to the advice of the reſt of the Iudges of that Court, and againſt the known and ordinary courſe of Iuſtice, and his ſaid Oath and knowledge, and denyed his Majeſties Subjects the common and ordinary Iuſtice of this Realme, as to Mr. *Limerick*, and others, and for his private benefit endammaged and ruined the eſtates of very many of his Majeſties Subjects, contrary to his oath and knowledge.

X.

That hee being Lord Keeper of the great Seale of England, and ſworne one of his Majeſties Privie Counſell, did by falſe and malicious ſlanders labour to incenſe his Majeſtie againſt Parliaments, and did frame and adviſe the publiſhing the Declaration after the diſſolution of the laſt Parliament.

All which Treaſons and miſdemeanors above mentioned, were done and committed by the ſaid *John* Lord *Finch* Baron of *Fordwich*, Lord Keeper of the great Seale of *England*, and thereby he the aforeſaid *Finch* hath trayterouſly, and contrary to his allegiance laboured to lay Imputations and Scandalls upon

his Majesties government, and to alienate the hearts of his Majesties liege people from his Majestie, and to set a division betweene them, and to ruine and destroy his Majesties Realme of England, for which they doe impeach him the said Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seale of England, of high Treason against our Soveraigne Lord the King, his Crowne and Dignity, of the misdemeanours above mentioned. *And the said Commons by Protestation, saving to themselves the libertie of exhibiting at any time hereafter, any other accusation or impeachment against the said* Lord Finch, *and also of replying to the answer, that the said* Iohn Lord Finch *shall make unto the said Articles or to any of them, and of offering proofe of the premisses, or any of their impeachments or accusations that shall be exhibited by them, as the case shall according to the course of Parliaments require, doe pray, that the said* Iohn *Lord* Finch, *Baron of* Fordwich, *Lord Keeper of the Great Seale of England, may be put to answer to all and every of the premisses, and such proceedings, examinations, tryalls, and judgements, as may be upon every of them, had and used, as is agreeable to Law and Iustice.*

The

The Lord FAULKLANDS second Speech: Made the 14. of *January*, after the reading of the Articles against the Lord FINCH.

THese Articles against my Lord *Finch* being read, I may bee bold to apply that of the Poet, *Nil refert tales versus qua voce legantur*; and I doubt not but your Lordships must be of the same opinion, of which the House of Commons appeares to have beene, by the choyce they have made of me, that the charge I have brought is such, as needs no assistance from the bringer, leaving not so much as the colour of a colour for any defence, including all possible evidence, and all possible aggravation (that addition alone excepted) which he alone could make, and hath made; I meane his Confession, Included in his flight.

Here are many and mighty Crimes, *Crimes of Supererogation*, (So that high Treason is but a part of his Charge) pursuing him fervently in every severall condition, (*being a silent Speaker, an unjust Judge, and an unconscionable Keeper.*) *That his life appeares a perpetuall Warfare*, (*by Mines, and by Battery, by Battell, and*

by Stratagem) againſt our fundamentall Lawes (which by his own confeſſion) ſeverall Conqueſts had left untoucht, againſt the excellent conſtitution of this Kingdome, which hath made it appeare unto ſtrangers rather an Idea, *than a reall Common-wealth, and produced the honour and happineſſe of this to be a wonder of every other Nation, and this with unfortunate ſucceſſe, that as he alwayes intended to make our Ruines a ground of his advancement; ſo his advancement the meanes of our further ruin*.

After that, contrary to the further end of his place, and the end of that meeting in which he held his place, hee had as it were gagg'd the Common-Wealth, taking away, (to his power) all power of Speech from that body, of which he ought to have beene the Mouth, and which alone can perfectly repreſent the *condition* of the people, whom that onely repreſent, which if he had not done, in all probability, what ſo grave and judicious an Aſſembly might have offered to the conſideration of ſo gracious and juſt a Prince, had occaſioned the redreſſe of the grievances they then ſuffered, and prevented thoſe which we have ſince endured, according to the ancient Maxime of *Odiſſe quos laeſeris:* he purſued this offence towards the Parliament, by inveighing againſt the Members by ſcandalizing their proceedings, by *trampling* upon their *Acts* and *Declarations*, by uſurping and devolving the right by diminiſhing & abrogating the power, both of that & other *Parliaments* & making them (as much as in him lay) both uſeleſſe and odious to his Majeſty, and purſued his hatred to this fountain of Iuſtice by corrupting the ſtreames of it, the Lawes; and perverting the Conduit Pipes, the Iudges.

He practiced the annihilating of Ancient, and Notorious perambulations of particular Forreſts, the better to prepare himſelfe to annihilate the Ancient, and Notorious perambulation of the whole Kingdome, the meeres

and

and bounders betweene the liberties of the Subject and Soveraigne power; he endeauoured to have all tenures *in durante bene placito*, to bring all Law from his Majesties Courts, into his Majesties breſt he gaue our goods to the King, our lands to the Deere, our liberties to his Sheriffes; ſo that there was no way by which wee had not beene oppreſt, and deſtroyed, if the power of this perſon had beene equall with his will: Or that the will of his Majeſtie had beene equall to his power.

He not onely by this meanes made us lyable to all the effect of an Invaſion from within, (and by deſtruction of our Liberties, which included the deſtruction of our propriety, which included the deſtruction of our Induſtry) made us lyable to the terribleſt of all Invaſions, that of want and poverty. So that if what hee plotted had taken Root (and he made it, as ſure as his Declaration could make it (what himſelfe was not) *Parliament proofe*) in this wealthy and happy Kingdome, there could have beene left, no aboundance but of grievances, and diſcontentment, no ſatisfaction but amongſt the guilty. It is generally obſerved of the plague, that the infection of others, is an earneſt, and conſtant deſire of all that are ſeized by it: and as this deſigne reſembles that diſeaſe, in the ruine, deſtruction, and deſolation, it would have wrought ſo it ſeemes no leſſe like it in this effect: he having ſo laboured to make others ſhare in that guilt, that his ſolicitation, was not onely his action, but his workes, making uſe both of his Authority, his Intereſt, and Importunity, to perſwade; and in his Majeſties Name (whoſe Piety is knowne to give that Excellent prerogative to his perſon, that the Law gives to his place, not to be able to doe wrong) to threaten the reſt of the Iudges, to ſigne opinions contrary to Law, to aſſigne anſwers contrary to their opinions, to give Iudgement which they ought not to have given, and to recant Iudgement, when they had given as they ought, ſo that

Whoſoever

whosoever considers his care of, and concernment, both in the growth and the immortality of this project, cannot but by the same way by which the wisest judgment found the true mother of the Child, discover him not onely to have beene the Fosterer, but the Father of this most pernicious and envious designe.

I shall not need to observe, that this was plotted and pursued by an English man against England, (which encreaseth the Crime in no lesse degree than parricide is beyond Murther) that this was done in the greatest matter joyned to the greatest Bond, being against the generall liberty, and publike propriety, by a sworne Iuage (and if that salt it selfe, because unsavory, the Gospell it selfe hath design'd whither it must be cast) that he poysoned our very Antidotes, and turned our Guard into a destruction, making Law the ground of illegalitie: that he used this Law not onely against us, but against it selfe, making it as I may say, Felo de se, *making the pretence, (for I can scarce say, the appearance of it) so to contribute the utter ruine of it selfe.*

I shall not need to say, that either this (or more can be) of the highest kinde, and in the highest degree of Parliamentary Treason, a Treason which need not a computation of many severall actions, which alone were not Treason, to prove a Treason altogether, and by that demonstration of the intention, to make that formality Treason which were materially but a misdemeanor, a Treason as well against the King, as against the Kingdome, for whatsoever is against the whole, is undoubtedly against the head, which takes from his Majesty the ground of his Rule, the Lawes, (for if foundations bee destroyed, the Pinnacles are most endangered) which takes from his Majesty the principal honour of his Rule, the Ruling over Free-men, a power as much Nobler then over villaines, as that is that's over beasts) which endevoured to take from his Majesty the principall support

ſupport of his Rule, their hearts and affections over whom he rules (a better and ſurer ſtrength and wall to the King, than the Sea is to the Kingdome) and by begetting a mutuall diſtruſt, and by that a mutuall diſaffection between them, to hazard the danger even of the deſtruction of both.

My Lords,

I ſhall the leſſe need to preſſe this, becauſe as it were unreaſonable in any caſe to ſuſpect your Iuſtice, ſo here eſpecially, where your intereſt ſo nearly unites you, your great ſhare in poſſeſſions, giving you an equall concernment in propriety, the care and paines uſed by your Noble Anceſtors in the founding and aſſerting of our common Liberties, rendring the juſt defence of them, your moſt proper and peculiar inheritance, and both exciting to oppoſe and extirpate all ſuch deſignes as did introduce, and would have ſetled an Arbitrary, that is, an intollerable forme of Government, and have made even your Lordſhips and your poſterity but Right Honourable ſlaves.

My Lords,

I will ſpend no more words, Luctando cum larva *in accuſing the Ghoſt of a departed perſon, whom his Crimes accuſe more than I can doe; and his abſence accuſeth no leſſe than his Crime. Neither will I excuſe the length of what I have ſaid, becauſe I cannot adde to an Excuſe, without adding to the Fault, or my owne imperfections, either in the matter or manner of it, which I know muſt appeare the greater, by being compared with that learned Gentlemans great abilitie, who hath preceded me at this time: I will onely deſire by the Command, and in the behalfe of the Houſe of Commons, that theſe proceedings againſt the Lord* Finch, *may be put in ſo ſpeedy a way of diſpatch, as in ſuch caſes the courſe of Parliament will allow.*

The

The first Speech made by *Sir Edward Deering*, in the house of Commons.

Mr. *Speaker*.

YEsterday, the affaires of this House did borrow all the time allotted to the great *Committee of Religion*; I am sorry that (having but halfe a day in a whole weeke) we have lost that.

Mr. *Speaker*, The sufferings that wee have undergone, are reduceable to two heads: *The first concerning the Church: The second belonging to the Common-wealth.* The first of these must have the first fruites of the *Parliament*, as being the first in weight and worth, and more immediately to the honour of *God, and his Glory*, every dramme whereof, is worth the whole *weight of a Kingdome.* The *Common-wealth* (it is true) is ful of apparent dangers, the Sword is come home unto us, and two Twinned Nations, united together under one regall Head, *Brethren together in the Bowels and Bosome of the same Island*, and which is above all, *is imbanded together in the same Religion*, (I say in the same Religion) *by a divelish Machination, like to be fatally imbrewed in each others blood, ready to digge each others Graves*, Quantillum abfuit.

For other grievances *also*, *the poore dis-hearted* Subject *sadly grieves*, *not able to distinguish betweene* Power *and* Law, *and with a weeping heart* (no question)

hath long prayed for this houre in hope to bee relieved; and to know hereafter whether any thing hee hath (besides his poore part and portion of the common Aire hee breatheth) may be truly called his owne.

These Mr. *Speaker*, and many other, doe deserve, and must shortly have our deepe regards, but *suo gradu*. Now in the first place there is a *unum necessarium*, above all our worldly sufferings and dangers; *Religion*, the immediate Service due unto *Almighty God*; and herein let us all be confident, that all our consultations will be *unprosperous*, if wee put any determination before that of *Religion*. For my part, let the Sword reach from the *North* to the *South*, and a generall perdition of all our remaining rights threaten us in an open view, it shall bee so farre from making mee to decline the first setling of Religion, that I shall ever argue, and rather conclude it thus: *That the more great and eminent our perils of this World are, the stronger and quicker ought our care to be for the glory of God, and the pure Law of our Soules.*

If then, Mr. *Speaker*, it may passe with full allowance, that all our cares may give way unto the *Treaty of Religion*, I will reduce that also unto two heads: *First of Ecclesiasticall persons*; *Then of Ecclesiasticall Causes*: Let no man start or be affrighted at the imagined length of this Consultation; it will not, it cannot take up so much Time as it is worth, *This is God and the Kirgs, God and the Kingdomes, nay this is God and the two Kingdomes cause.*

And therefore, Mr. *Speaker*, my humble motion is, that wee may all of us, *seriously*, *speedily*, and *heartily* enter upon this, the *best* and the *greatest*, and the most *important cause* wee can treate on.

Now, Mr. *Speaker*, in pursuite of mine owne motion, and to make a little entrance into these great

Affaires, I will preſent unto you the *Petition* of a poore diſtreſſed *Miniſter* in the County of *Kent*, a man conformable in *his practice, Orthodoxe in his Doctrine, laborious in his Miniſtery, as any wee have or I doe know, He is now a ſufferer* (as all good men are) *under the generall obloquy of a* Puritan, *as with other things was admirably delivered by that ſilver Trumpet at the Bar, the* Purſevant *watched his doore, and divides him and his* Cure *aſunder to both their griefes; for it is not with him as perhaps with ſome, that ſet the* Purſevant *at worke, glad of an excuſe to be out of the* Pulpit, *it is his delight to Preach.* About a week ſince I went over to *Lambeth* to moove that great Biſhop (too great indeede) to take this danger from off this *Miniſter* and recall the *Purſevant:* And withall did undertake for Mr. *Wilſon* (for ſo is your *Petitioner* called) that hee ſhould anſwere his Accuſers in any of the Kings Courts at *Weſtminſter:* The Biſhop made me this anſwere in *His verbis*, I am ſure that hee will not abſent from his *Cure* a Twelvemoneth together, and then I doubt not but once in a yeare wee ſhall have him. *This was all that I could obtaine, but I hope* (by the helpe of this Houſe) *before this yeare of threats be runne out, his Grace will either have more Grace, or no Grace at all. For our griefes are manifold, and doe fill a mighty and vaſt Circumference, yet ſo that from every part, our lines of ſorrow doe lead unto him, and point at him, as the* Center *from whence our miſeries doe grow.*

Let the Petition *be read, and let us enter upon the worke.*

THE

The second Speech of Sir *Edward Deering*.

Mr. *Speaker*,

YOu have many private particular Petitions, give me leave by word of mouth to interpose one more generall, which thus you may receive: Gods true Religion is violently invaded by two seeming enemies, but indeed they are like *Herod* and *Pilate*, fast friends for the destruction of truth: I meane the *Papists* for the one part, and our *Prelating* Faction for the other; between these two in their severall progresse, I observe the concurrence of some few parallells, fit as I conceive to bee represented to this Honourable House.

First, with the *Papists* there is a severe *Inquisition*, and with us (as it is used) there is a bitter *High Commission*, both these *Contra fas & ius* are Iudges in their owne case: yet herein their *Inquisitors* are better than our *High Commissioners*, they (for ought I ever heard) doe not (*Sævire in suos*) punish for delinquents and offenders, such as professe and practice Religion, according as it is established by the Lawes of the Land where they live.

But with us, how many poore distressed Mini-

sters? nay how many scores of them in a few yeares past, have beene suspended, degraded, and excommunicated? not guilty of the breach of any established Lawes: The Petitions of many are here with us, more are comming, all their prayers are in Heaven for redresse: Downe therefore with these Money-changers; They doe confesse Commutation of Penance, and I may therefore most justly call them so.

Secondly, with the *Papists* there is a *Mysterious Artifice*, I meane their *Index Expurgatorius*, whereby they clip the tongues of such witnesses whose evidence they doe not like: To these I parallell our late *Imprimators*, Licensers for the Presse, so handled, that truth is suppresst and popish Pamphlets flie abroad *Cum privilegio*, witnesse the audacious Libells against true Religion, written by *Cossens*, *Dowe*, *Heylin*, *Pocklington*, *Mead*, *Shelford*, *Swan*, *Roberts*, and many more, I name no Bishops, but I adde, &c.

Nay, they are already growne so bold in this new trade, that the most learned Labourers of our ancient and best divines, must bee new corrected, and defaced with a Delineatur, by the supercilious penne of my Lords young Chaplaine, fit perhaps for the Technicall Arts, but unfit to hold the Chaire for Divinity.

But herein the Roman *Index* is better than our English *Licences*, they thereby doe prove the current of their owne established Doctrines, a point of wisedome; but with us our Innovators by this *Artifice* do alter our setled Doctrines, nay they doe subinduce poynts repugnant and contrary: and this I doe affirme upon my selfe to prove.

One parallell I have more, and that is this: Amongst the *Papists* there is one acknowledged Pope, supreme in honour over all, and in power, from whose judgement there is no appeale: I confesse Mr. *Speaker*, I cannot

not altogether match a *Pope* with a *Pope*, yet one of the ancient Titles of our Englifh *Primate*, was *Alterius orbis Papa*, but thus farre I can goe (*ex ore fuo*) it is in Print; hee pleads faire for a *Patriarchall*, and for fuch a one whofe fudgement (he before hand profeffeth) ought to be finall, and then I am fure it ought to bee unerring; put thefe two together, and you fhall finde that the finall determination of a *Patriarch*, will want very little of a Pope, and then we may fay, *Mutato nomine de te fabula narratur*: he pleadeth *Popefhip*, under the name of a *Patriarch*, and I much feare the end and top of his *Patriarchall* plea, may be as that of Cardinall *Poole*, his Predeceffour, who would have two heads, one *Caput Regale*, the other *Caput Sacerdotale*, a proud parallell to fet up the Myter above the Crowne.

But herein I fhall bee free and cleare, if one there muft be, be it a *Pope*, be it a *Patriarch*, this I refolve upon for mine own choyce, *Procul a Iove, procul a fulmine*, I had rather ferve one as far as *Tyber*, then to have him come to mee fo neare as the *Thames*, a Pope at *Rome* will doe mee leffe hurt, than a Patriarch may doe at *Lambeth*.

I have done, and for this third parallell, I fubmit it to the wifedome and confideration of this grave *Committee* for *Religion*: In the meane time I doe ground my Motion upon the former two, and it is this in briefe.

That you would be pleafed to felect a fub-Committee of 4. 6. 8. 9. or 10. at the moft, and to impower them for the difcovery of the great numbers of oppreffed Miniffers, under the Biffhops tyranny for thefe ten yeares laft paft, we have the complaints of fome, but more are filent, fome are patient and will not complaine, others are fearefull and dare not, many dead, and many beyond the Seas, and cannot complaine.

And in the second place, that the sub-Committee may examine the Printers, what Bookes by bad licence have beene corruptly issued forth. And what good Bookes have beene (like good Ministers) silenced, clipped, or cropped.

The worke I conceive, will not be difficult, but will quickly returne into your hands full of weight.

And this is my Motion.

The third Speech of Sir *Edward Deering*.

Mr. *Speaker*,

THis Morning is designed for the consideration of the late Canons, and the former; and of that which the Clergy have mis-called a benevolence; I shall for the present, onely touch the first of them, and that is the Roman *Velites*, whr did use to beginne the Battaile: so shall I but *velitande*, and skirmish, whilst the maine Battaile is setting forwards.

The *Pope* as they say, hath a triple Crown, answerable thereunto, and to support it, hee pretendeth to have a threefold Law.

1. The first that is *Ius divinum*, Episcopacy by Divine Right: and this he would have you thinke to bee the Crowne next his head, which doth circle and secure his power, our Bishops have in an unlucky time entred their Plea, and presented their title to this Crowne, Episcopacy *by Divine Right*.

2. The

2 The second is *Ius humanum Constantii donativum*, the gift of Indulgent Princes temporall power; this Law belongs to his second or middle Crowne, this is already pleaded for, by our Prelates in print.

3. These two Crowne being already obtained, The Pope claimes, and makes the third himselfe, and sets it highest upon the top: This Crowne also hath its Law, and that is *Ius Canonicum*: This Canon Law is of more use unto his Popeship (if once admitted) than both the other.

Iust so our Prelates from the pretended Divinity of their Episcopacy, and from the temporall power granted them by our Princes, would now obtrude a new Canon Law upon us: They have charged the Canons to the full, and never fearing they would requoyle into a Parliament, they have rammed a prodigious and ungodly Oath into them: the illegality and invalidity of these Canons, is manifested by one short question, (*viz.*) what doe you call the meeting wherein they were made?

Mr. *Speaker*, who can frame an argument aright, unlesse he can tell against what he is to argue?

Would you confute the Convocation-house? they were a holy Synod: they were Commissioners? will you dispute their Commission? they will mingle all power together, and perhaps answer, they were something else, that we neither knew nor imagined; unlesse they would unriddle themselves, and owne what they were, wee may prosecute non-concludent Arguments.

Mr. *Speaker*, I have conferred with some of the Founders of those *Canons*, but I professe here, that I could never meet with any one of that assembly, who could well answer to that first question of the Catechisme, *What is your name?* Alas, they were parted before they knew what they were, when they were together.

The

The ſumme of all the ſeverall anſwers that I have received, do all together amount unto this: They were a Convocationall, Synodicall Aſſembly of Commiſſioners; Indeed a threefold *Chamera*, a Monſter to our Lawes, a *Cerberus* to our Religion. A ſtrange Commiſſion, where no Commiſſioners name is to be found! A ſtrange Convocation that lived when the Parliament was dead. A ſtrange holy Synod, when the one part never ſaw nor conferred with the other.

But indeed, there needed no conference, if it be true of theſe Cannons which I read of the former, *Quis neſcit, Canones Lambethæ formari priuſquam in Synodo ventilentur?*

Well Mr. *Speaker*, they have Innovated upon us; wee may ſay, it is *Lex talionis* to Innovate upon them, and ſo I hope we ſhortly ſhall doe.

In the meane time, my humble motion is, that every member of that aſſembly, who voted their Cannons, may come ſeverally to the Barre of this Houſe, with a Book of Cannons in his hand and there unleſſe he can anſwer that Catechiſme queſtion, as I called it, better then I expect he can, *conceptis verbis*, in ſuch expreſſe termes as this honourable houſe ſhall then think fit, he ſhall abjure his owne Iſſue, and be commanded to give fire to his owne Canons.

And this motion I take to be juſt.

The

The fourth Speech of Sir *Edward Deering*. Concerning the Arch-Biſhop, and divers other Grievances.

Mr. *Speaker*,

YEſterday we did regulate the moſt impor tant buſineſſe before us: and gave them motion, ſo that our great and weighty affaires, are now on their feet in their progreſſe, journying on towards their ſeveral periods, where ſome I hope will finde their lateſt home.

Yet among all theſe I obſerve one, a very maine one, to ſleepe *ſine die*: give me leave to awaken it; it is a buſineſſe of an immenſe weight, and worth; ſuch as deſerves our beſt care, and moſt ſevere circumſpection. I meane the Grand Petition long ſince given in by many thouſand Citizens againſt the domineering Clergy.

Wherein (for my part) although I cannot approve of all that is preſented unto you, yet I do clearely profeſſe, that a great part of it, nay the greateſt part thereof, is ſo well grounded, that my heart goes cheerefully along therewith.

It ſeemes that my Countrey (for which I have the honour to ſerve) is of the ſame minde, and leaſt you ſhould thinke that all faults are included within the walls of *Troy*, they will ſhew you,

Iliacos intra muros peccatur, & extra.

The ſame grievances which the City groanes under, are provinciall unto us, and I much feare they are Nationall among us all.

The pride, the avarice, the ambition, and oppreſſion, by our ruling Clergie is *Epidemicall*, it hath infected them all. There is not any, or ſcarce any of them, who is not practicall in their own *great cauſe in hand*, which they impiouſly doe miſ-call, *the Piety of the times*, but in truth ſo wrong a Piety, that I am bold to ſay,

Infacinus juraſſe putes.——

Here in this Petition is the diſeaſe repreſented, here is the cure intreated.

The number of your Petitioners is conſiderable, being above five and twenty hundred names, and would have been foure times as many, if that were thought materiall.

The matter in the Petition is of high import: but your Petitioners themſelves are all of them quiet and ſilent at their owne houſes, humbly expecting and praying the reſolution of this great Senate, *upon theſe their earneſt and thrice hearty deſires.*

Here is no noyſe, no numbers at your doore: they will be neither your trouble nor your jealouſie; for I doe not know of any one of them this day in the towne: ſo much they doe affie in the juſtice of their Petition, and in the goodneſſe of this houſe.

If now you want any of them here to make avowance of their Petition, I am their ſervant. I doe appeare for them, and for my ſelfe, and am ready to avow this Petition in their names, and in my owne.

Nothing doubting, but fully confident that I may juſtly ſay of the preſent uſage of the Hierarchy in the Church

Church of *England*, as once the Pope (Pope *Adrian* as I remember) ſaid of the Clergy in his time: *A vertice capitis ad plantam pedis, nihil eſt ſanum in toto ordine Eccleſiaſtico.*

I beſeech you read the Petition, regard us, and relieve us.

Maſter BAGSHAWES Speech in Parliament Febr. 9th. 1640. Concerning *Epiſcopacy*, and the *London* Petition.

Mr. Speaker,

I Was yeſterday and the time before, for the retaining of the *London* Petition, and am in the ſame minde ſtill; and therefore doe now riſe up againſt the propoſall of that queſtion which is now called for; *Whether Epiſcopacy it ſelfe be to be taken into conſideration by the Committee:* wherein I doe diſtinguiſh of a twofold Epiſcopacy, the firſt, *in Statu puro*, as it was in the Primitive times: the ſecond, *in Statu corrupto*, as it is at this day, and is ſo intended and meant in the *London* Petition. Now I hold that Epiſcopacy in this latter ſence is to be taken into conſideration as a thing that trencheth not onely upon the right and liberties of the Subject; of which I ſhall have occaſion to ſpeake hereafter. But as it is now, it trencheth upon the Crowne of *England* in theſe foure particulars, where-

in I know, this Houſe will willingly heare me.

Firſt, it is maintained by the Biſhop of *Exeter* in a Booke which he hath writ to this purpoſe, that Epiſcopacy it ſelfe both in the office and in the juriſdiction is *de Iure Divino*, of Divine right; which poſition is directly contrary to the Lawes of *England*, of which I will cite but two or three in ſtead of many more. The Statute of *Carliſle* 35. *Ed.* 1. mentioned in *Caudries* caſe, in the fifth Report, ſaith, that the Church of *England* is founded in the ſtate of Prelacie by the Kings of *England* and their Progenitors. Which likewiſe appeares by the firſt Chapter in *Magna Charta*, in theſe words, *Conceſſimus Deo & Eccleſiæ Anglicanæ omnes libertates, &c.* and in the twentie fifth yeare of *Edward* the third, in the French Roll which I have ſeene, there the Archbiſhop and Clergie petition the King for their liberties, in theſe words, thus Engliſhed, *That for the reverence of God and holy Church, and of his grace and bounty, he will confirme all thoſe liberties, priviledges, and rights, granted and given by him and his noble Progenitors, to the Church by their Charters:* which plainly ſheweth, that they have their Epiſcopall Juriſdiction from the Kings of *England*, and not *Iure divino*, by divine right: and this likewiſe is acknowledged by themſelves in the Statute of 37. *H.* 8. *cap.* 17. that they have their Epiſcopall juriſdiction, and all other Eccleſiaſticall juriſdiction whatſoever ſolely and onely, by, from, and under the King.

The ſecond thing that is trenching upon the Crowne, is this, that it is holden at this day, that Epiſcopacy is inſeparable to the Crowne of *England*; and therefore it is commonly now ſaid, *No Biſhop, no King: no Mitre, no Scepter:* which I utterly deny; for it is plaine and apparant, that the Kings of *England* were long before Biſhops, and have a ſubſiſtance without them, and have done, and may ſtill depoſe them.

The

The third is likewiſe conſiderable, as trenching upon the Crowne, which is that was ſaid under the Gallery, that Epiſcopacy was a third eſtate in Parliament, and therefore the King and Parliament could not be without them. This I utterly deny, for there are three eſtates without them, as namely, the King, who is the firſt eſtate; the Lords Temporall the ſecond, and the Commons the third; and I know no fourth eſtate. Beſides, the Kings of *England* have had many Parliaments, wherein there have beene no Biſhops at all: as for example, *Ed.* 1. 24. of his reigne held his Parliament at *Edmundbury, excluſo Clero*; and in the Parliament 7. *R.* 2. *c.* 3. & 7. *R.* 2. *c.* 12. it doth appeare, that they were enacted by the King, with the aſſent and agreement of the Lords Temporall, and Commons, where the eſtates of Parliamen are mentioned, and not the Clergie. Divers other ſtatutes might likewiſe be named to this purpoſe, which I omit.

The fourth and laſt thing is of the Biſhops holding of the Eccleſiaſticall Courts in their owne names, and not in the name of the King, nor by Commiſſion from him, contrary to the Statute of 1 *Edw.* 6. *cap.* 2. and contrary to the practice of Biſhop *Ridley*, *Coverdale*, and *Ponnet*, who tooke Commiſſions from the *KING* for holding their Eccleſiaſticall Courts, as may be ſeene at this day in the Rolles.

And although it will bee objected, that by a late Proclamation, in the yeare of our Lord God, 1637. wherein the opinion of the Iudges mentioned, it is declared upon their opinion, that the act of 1 *Edw.* 6. was repealed, and that Biſhops may now keep Courts in their owne names, and ſend proceſſe under their owne Seales; yet it is well knowne, that the Statute of 1 Q. *Mary*, which repealed the Statute of 1 *Ed.* 6. was it ſelfe repealed by the Statute of 1 *Iac.* *cap* 25. Whereupon it was holden upon a full

a full debate of this poynt in Parliament, 7 *Iac.* which I have ſeene that upon conſideration of the Statutes of 1 *Iac.* and 1. *Eliz. cap* 1. and 8 *Eliz. cap.* 1. that the Statute of 1 *Ed.* 6. was revived, and that Biſhops ought not to keepe Courts in their owne names: So that for theſe reaſons ſo nearely concerning the right of the Crowne of *England* in the poynt of Epiſcopacy, I am againſt the propoſall of that queſtion, and am for the retaining of the *London Petition*, and for a thorow Reformation of all abuſes, and grievances of Epiſcopacy mentioned in the Miniſters Remonſtrance, which Reformation may perhaps ſerve the turne without alteration of the Government of *England*, into a forme of Presbytery, as it is in other Kingdomes of *Scotland*, *France*, *Geneva*, and the *Low Countries*, which for mine owne part, had I lived in theſe Kingdomes, I ſhould have bin of the opinion of the Proteſtant party in point of Presbytery, becauſe thoſe Kingdomes are governed by the Civill Law, which maintaines the juriſdiction of the Pope and Papall Epiſcopacy, which the ancient Lawes of *England* condemne, being likewiſe in themſelves oppoſite to the Civill and Canon Lawes. And if notwithſtanding all the Reformation that can be made by the Lawes of this Land, a better forme of government may evidently appeare to us, concerning which there is no forme now before us; it is to be taken by us into conſideration, according to that imperiall Conſtitution in theſe words, *In rebus nobis conſtituendis evidens utilitas eſſe debet, ut ab eo jure recedatur quod diu æquum viſum eſt.*

And ſo Mr. *Speaker*, I ſhortly conclude, that for theſe Reaſons, omitting divers more, the *London* Petition is to be retained.

The

The Speeches of Sir *Benjamin Rudyer in* the High Court of *Parliament.*

Mr. Speaker,

WEe are here assembled to doe Gods businesse and the Kings, in which our owne is included, as wee are Christians, as wee are Subjects. Let us first feare GOD, then shall wee honour the King the more: for I am afrayd wee have beene the lesse prosperous in *Parliaments*, because wee have preferred other matters before Him. Let Religion be our *Primum Quærite*, for all things else, are but *Etcatera's* to it; yet we may have them too, sooner and surer, if wee give God his precedence.

We well know what disturbance hath been brought upon the Church, for vain petty trifles. How the whole Church, the whole Kingdome hath beene troubled, where to place a Metaphor, an *Altar*. Wee have seene Ministers, their Wives, Children, and Families undone, against Law, against Conscience, against all Bowells of Compassion, about not dancing upon Sundayes. What doe these sort of men think will become of themselves, when the *Master of the house shall come*, and finde them

them thus beating their fellow servants? These Inventions were but Sives made of purpose to winnow the best men, and that's the Devills occupation. They have a minde to worry preaching, for I never yet heard of any, but diligent preachers that were vext with these and the like devices. They despise prophesie, and as one said, *They would faine be at something were like the Masse, that will not bite. A muzzl'd Religion.* They would evaporate and dis-spirit the power and vigour of Religion, by drawing it out into solemne, specious formalities, into obsolete, antiquated Ceremonies, new furbish'd up. And this (belike) is the good worke in hand, which Dr. *Heylin* hath so often celebrated in his bold Pamphlets. All their Acts, and actions are so full of mixtures, involutions and complications, as nothing is cleare, nothing sincere in any of their proceedings: Let them not say, that these are the perverse suspitious malicious interpretations of some few factious Spirits amongst us, when a Romanist hath bragged, and congratulated in print, *That the face of our Church begins to alter, the Language of our Religion to change.* And *Sancta Clara* hath published, *That if a Synod were held,* Non intermixtis Puritanis, *setting Puritanes aside, our Articles and their Religion would soone be agreed.* They have so brought it to passe, that under the name of Puritans, all our Religion is branded, and under a few hard words against Iesuites, all popery is countenanc'd.

Whosoever squares his actions by any rule, either Divine or Humane, hee is a Puritan. Whosoever would be governed by the Kings Lawes, he is a Puritan. Hee that will not doe whatsoever other men would have him doe, he is a Puritan. Their great worke, their Master-piece now is, *To make all those of the Religion, to be the suspected party of the Kingdome.*

Let

Let us further reflect upon the ill effect these Courts have wrought, what by a defection from us, on the one side, a separation on the other; Some imagining whither we are tending, made haste to turne, or declare themselves Papists before hand, thereby hoping to render themselves the more gracious, the more acceptable. A great multitude of the Kings Subjects, striving to hold communion with us; but seeing how far we were gone, and fearing how much further we wou d goe, were forc'd to flye the Land, some into other inhabited Countries, very many into Savago wildernesses, because the Land would not bear them. Do not they that cause these things cast a reproach upon the government?

Mr. *Speaker*, let it be our principall care that these wayes neither continue, nor returne upon us. If wee secure our Religion, wee shall cut off and defeat many Plots that are now on foot by Them and Others. Beleeve it Sir, Religion hath beene for a long time, and still is the great designe upon this Kingdome. It is a knowne and practic'd principle, That they who would introduce another Religion into the Church, must first trouble and disorder the government of the State, that so they may worke their ends in a confusion which now lyes at the doore.

I come next Mr. *Speaker*, to the Kings businesse more particularly; which indeed is the Kingdomes, for one hath no existence, no being without the other, their relation is so neere; yet some have strongly and subtilly laboured a divorce, which hath beene the very band both of King and Kingdome.

When foundations are shaken, it is high time to looke to the building. He hath no Heart, no Head, no Soule, that is not moved in his whole man, to look upon the distresses, the miseries of the Common-wealth, that is not forward in all that he is, and hath, to redresse them in a right way.

The King likewise is reduced to great straights, wherein it were undutifulnesse beyond inhumanity, to take advantage for him: let us rather make it an advantage for him, to doe him best service when he hath most need. Not to seeke our owne good, but in Him, and with Him, else wee shall commit the same crimes our selves, which wee must condemne in others.

His Majesty hath clearely and freely put himselfe into the hands of this *Parliament*, and I presume, there is not a Man in this House, but feeles himselfe advanc't in this high trust; but if Hee prosper no better in our hands than he hath done in theirs, who have hitherto had the handling of his affaires, wee shall for ever make our selves unworthy of so gracious a confidence.

I have often thought and said, that it must bee some great extremity, that would recover and certifie this state, and when the extremity did come, *It would be a great hazzard whether it might prove a remedy, or ruine.* We are now Mr. *Speaker* upon that verticall turning poynt, and therefore it is no time to palliate, to foment our owne undoing.

Let us set upon the remedy, wee must first know the Disease: But to discover the diseases of the State, is (according to some) to traduce the Government; yet others are of opinion, that this is the halfe way to the Cure.

His Majesty is wiser than they that have advised him, and therefore hee cannot but see and feele their subverting destructive Counsells, which speake lowder than I can speak of them: for they ring a dolefull deadly knell over the whole Kingdome. His Majesty best knowes who they are: for us, let the Matters bolt out the men; their actions discover them.

They are men that talke largely of the Kings service,

ſervice, have done none but their owne, and that's too evident.

They ſpeake highly of the Kings power, but they have made it a miſerable power, that produceth nothing but weakneſſe, both to the King and Kingdome.

They have exhauſted the Kings revenew to the bottome, nay through the bottome, and beyond.

They have ſpent vaſt ſummes of money waſtefully, fruitleſly, dangerouſly: So that more money without other Counſells will be but a ſwift undoing.

They have alwayes peremptorily purſued one obſtinate pernicious courſe. Firſt, they bring things to an extremitie, then they make that extremity of their owne making, the reaſon of their next action, ſeven times worſe than the former, and there wee are at this inſtant.

They have almoſt ſpoyled the beſt inſtituted Government in the world, for Soveraignty in a King, liberty to the Subject; the proportionable temper of both which, makes the happieſt ſtate for power, for riches, for duration.

They have unmannerly and ſlubbringly caſt all their Projects, all their Machinations upon the King: which no wiſe or good Miniſter of State ever did, but would ſtill take all harſh, diſtaſteful things upon themſelves, to cleare, to ſweeten their Maſter.

They have not ſuffered his Majeſtie to appeare unto his people, in his owne native goodneſſe.

They have eclipſed him by their interpoſition: althogh groſſe condenſe bodies may obſcure, and hinder the Sun from ſhining out, yet is hee ſtill the ſame in his owne ſplendor. And when they are removed, all Creatures under him are directed by his light, comforted by his beames: But they have framed a ſuperſtitious ſeeming Maxime of State for their owne turne; *That if a King will ſuffer men to be torne from him, hee ſhall never have*

any good service done him. When the plaine truth is, that this is the surest way to preserve a King from having ill servants about him. And the Divine Truth likewise is, *Take away the wicked from the King, and his Throne shall be established.*

Mr. Speaker, Now wee see what the sores are in generall: and when more particulars shall appeare; let us be very carefull to draw out the Cores of them; not to skin them over with a sligh suppurati g, festring Cure, lest they breake out againe into a greater mischiefe; consider of it, consult and speake your minds.

It hath heretofore beene boasted, *That the King should never call a Parliament till he had no need of his people*; These were words of Division, and maligitie. *The King must alwaies according to his occasions, have use of his peoples Power, Hearts, Hands, Purses. The People will alwayes have need of the Kings Clemencie, Justice, Protection. And this Reciprocation is the strongest, the sweetest union.*

It hath bin said too of late; *That a Parliament will take away more from the King, then they will give him.* It may well be said, *That those things which will fall away of themselves, will enable the Subject to give him more than can be taken any way else. Projects and Monopolies are but leaking Conduit-pipes; The Exchequer it selfe at the fullest, is but a Custome, and now a broken one; frequent Parliaments onely are the Fountaine: And I doe not doubt but in this Parliament, as wee shall bee free in our advises, so shall wee be the more free of our purses, that his Majestie may experimentally finde the reall difference of better Counsells, the true solid grounds of raising and establishing his Greatnesse, never to be brought againe (by Gods blessing) to such dangerous, such desperate perplexities.*

Mr.

Mr. *Speaker*, I confesse I have now gone in a way much against my Nature, and somewhat against my Custome heretofore used in this place. But the deplorable, dismall condition both of Church and State have so far wrought upon my judgement, as it hath convinced my disposition, yet am I not *Vir Sanguinum*; I love no mans ruine; I thanke God, I neither hate any mans person, nor envie any mans fortune, onely I am zealous of a thorow Reformation in a time that exacts, that extorts it. Which I humbly beseech this House may bee done with as much lenity, as much moderation, as the publick safety of the King and Kingdome can possibly admit.

* * *

Ano-

Another Speech of Sir *Benjamin Rudyer*, in the High Court of *Parliament*.

Mr. Speaker,

IT will become us thankfully to acknowledge the prudent and painfull endeavours of my Lords, the Peeres, Commissioners intreating with the Scots, in mediating with the King: whereby (God assisting) wee are now probably drawing neare to a blessed peace.

His Majesty in his Wisedome and Goodnesse, is graciously pleased to give his royall assent to their Acts of Parliament, wherein the Articles of their Assembly are likewise included: Insomuch as their Religion, their Lawes, their Liberties are ratified and established: Besides, their Grievances reliev'd, and redress'd; For which Wee use to give the King Money, and are still ready to doe it. This (although it be a large) yet it is not received as a full satisfaction.

Besides, when They came into England, *they published in a Remonstrance, That they would take nothing of the English, but what they would pay for, or give security. We have defrayed them hitherto, and are provided to doe it longer.*

They did well remember, that we assisted them in the time

time of their Reformation: And it is not to be forgotten; that we did beare our owne charges.

Concerning mutuall Restitution of Ships, and Goods, My Lords the Commissioners have very fairely and discreetly accommodated that particular already.

As for inferentiall consequentiall dammages, such a Representation would but minister unacceptable matter of Difference and Contestation, which amongst friends ought to be warily and wisely avoyded.

We could alleadge and truely too, That Northumberland, New-Castle, *and the* Bishoprick, *will not recover their former state these twenty yeares. Wee have heard it spoken here in this house, by an understanding knowing member in the particular, that the Coale-Mines of* New-Castle *will not bee set right againe for one hundred thousand pounds; besides the over-price of Coales which all the while it hath, and will cost this City, and other parts of the Kingdome. A great deale more of this nature might be rehearsed; but I delight not to presse such tenterstretched Arguments. Let us on both sides rather thanke God, by proceeding in the way he hath laid before us, and not wry his way to ours. Time and his Blessing will repaire all our implicit Dammages, with many prosperous explicite advantages.*

They say, that they doe not make any formall demand; But they doe make a summe to appeare, five hundred and foureteene thousand pounds, more than ever wee gave the King at once. A portentous Apparition! which shewes it selfe in a very dry time, when the Kings revenue is totally exhausted, his Debts excessively multiplied, the Kingdom generally impoverished, by grievous burthens, and disordered Courses: All this supply is to be drawne out of us onely, without the least helpe from any of his Majesties other Dominions: which to my seeming will be an utter draining of the people; unlesse England *bee* Puteus inexhaustus. *as the Popes were wont to call it.*

N 2 *Now*

Notwithstanding Sir, now that I have in part opened the state we are in, though nothing so exactly as they have done theirs: I shall most willingly and heartily afford the Scots whatsoever is just, Equitable and Honourable, even to a convenient, considerable round summe of Money, towards their losses and expences, That we may goe off with a friendly and handsome loos. If they reject it, we shall improve our Cause.

It was never yet thought Mr. Speaker, any great wisedome over-much to trust a successefull Sword. A man that walkes upon a rising ground, the further he goes, the larger is his Prospect. Successe inlarges mens desires, extends their ambition, it breeds thoughts in them they never thought before; This is naturall and usuall.

But the Scots being truely touched with Religion, according to their profession, that onely is able to make them keep their word: for Religion is stronger and wiser than Reason, or Reason of State.

Beyond all this, Mr. Speaker, the remarkable Traces of Gods wonderfull Providense in this strange worke, are so many, so apparant, as I cannot but hope almost to believe: That the same all-governing mersifull hand, will conduct and lead us to a happy Conclusion, will contract a closer firmer union between the two Nations, than any meere humane Policy could ever have effected: which inestimable Benefits to both, in advancing the truth of Religion, in exalting the greatnesse of the King, in securing the peace of his Kingdomes, against all Malicious, Envious, Ambitious opposites, to Religion, to the King, to his Kingdomes; wherein I presume, all our desires and prayers doe meet.

Ano-

Another Speech of Sir *Benjamin Rudyer in* the High Court of *Parliament.*

Mr. Speaker,

I Doe verily believe, that there are many of the Clergie in our Church, who doe think the simplicity of the Gospell, too mean a vocation for them to serve in: They must have a specious, pompous, sumptuous Religion, with additionalls of Temporall greatnesse, Authority, Negotiation: Notwithstanding, they all know better than I, what Fathers, Schoolemen, Councells are against their mixing themselves in secular affaires.

This Roman *Ambition will at length bring in the* Roman *Religion, and at last a haughty insolence even against supreame power it selfe, if it bee not timely and wisely prevented.*

They have amongst them an Apothegm of their owne making, which is, No Miter, no Scepter, *when wee know by deare experience, that if the Mitre be once in danger, they care not to throw the Scepter after, to confound the whole Kingdome for their interest.*

And Histories will tell us, that whensoever the Clergie went high, Monarchy still went lower: If they could

not make the Monarch the head of their owne Faction, they would be sure to make him lesse: witnesse one example for all, The Popes working the Emperour out of Italy.

Some of ours, as soone as they are Bishops adepto fine, cessant Motus, *They will preach no longer, their office then is to governe. But in my opinion they governe worse than they Preach, though they preach not at all; for wee see to what passe their government hath brought us.*

In conformity to themselves, They silence others also, though Hierom *in one of his Epistles saith, that even a Bishop, let him be of never so blameless a life, yet he doth more hurt by by his licence, then he can doe good by his example.*

Mr. Speaker, *It now behooves us, to restraine the Bishops to the duties of their Function, as they may never more hanker after heterogeneous extravagant employments: Not be so absolute, so single and solitary in actions of Moment, as Excommunication, Absolution, Ordination, and the like: but to joyne some of the Ministry with them, and further to regulate them according to the usage of Ancient Churches, in the best times, that by a well-temper'd Government, they may not have power hereafter, to corrupt the Church, to undoe the Kingdome.*

When they are thus circumscribed, and the publique secur'd from their Eruptions, then shall not I grudge them a liberall plentifull subsistence: else I am sure they can never be given to Hospitality.

Although the calling of the Clergie be all glorious within, yet if they have not a large, considerable, outward support, they cannot be freed from vulgar Contempt.

It will alwaies be fit, that the flourishing of the Church should hold proportion with the flourishing of the Commonwealth, wherein it is. If we dwell in houses of Cedar, why should they dwell in skins? And I hope, I shall never see a good Bishop left worse than a Parson without a Gleab.

Certain-

Certainly Sir, this ſuperintendencie of eminent men, Biſhops over divers Churches, is the moſt Primitive, the moſt ſpreading, the moſt laſting Government of the Church. Wherefore whileſt we are earneſt to take away Innovations, let us beware wee bring not in the greateſt Innovation that ever was in England.

I doe very well know, what very many doe very fervently deſire. But let us well bethinke our ſelves, whether a popular Democraticall Government of the Church (though fit for other places) will be either ſutable or acceptable to a Regall, Monarchicall Government of the State.

Every man can ſay, (It is ſo common and knowne a Truth) that ſuddaine and great changes both in naturall and Politick bodies have dangereus opperations: and give mee leave to ſay, that we cannot preſently ſee to the end of ſuch a conſequence, eſpecially in ſo great a Kingdome as this, and where Epiſcopacie is ſo wrap'd and involv'd in the Lawes of it.

Wherefore Mr. Speaker, *my humble Motion is, that we may puniſh the preſent offenders, reduce and preſerve the Calling for better men hereafter. Let us remember with freſh thankfulneſſe to* God, *thoſe glorious Martyr-Biſhops who were burn'd for our Religion in the times of Popery, who by their learning, zeale, and conſtancy, upheld and conveyd it downe to us.*

We have ſome good Biſhops ſtill, who doe Preach every Lords Day, and are therefore worthy of double honour; they have ſuffered enough already in the Diſeaſe: I ſhall bee ſorry we ſhould make them ſuffer more in the Remedy.

A meſſage delivered from the Commons to the Lords of the Vpper Houſe in Parliament, by Mr. *Pym*, *Novemb.* 11. 1640.

My Lords:

THe *Knights, Citizens, and Burgeſſes, now aſſembled for the Commons in* Parliament, *have received information of divers traiterous deſignes and practices of a great Peere of this Houſe; and by vertue of a command from them, I doe here, in the name of the Commons now aſſembled in* Parliament, *and in the name of all the Commons of* England, *accuſe* Thomas *Earle of* Strafford, *Lo. Lieutenant of* Ireland, *of high Treaſon: and they have commanded me further, to deſire your Lordſhips that he may be ſequeſtred from* Parliament, *and forthwith committed to priſon. They have further commanded mee, to let you know that they will within a very few dayes reſort to your Lordſhips, with the particular Articles and grounds of this accuſation. And they doe further deſire, that your Lordſhips will thinke upon ſome convenient and fit way, that the paſſage betwixt* England *and* Ireland, *for his Majeſties ſubjects of both Kingdomes, may be free, notwithſtanding any reſtraint to the contrarie.*

The Lord Lieutenant being required to withdraw, and after a debate thereof called in, kneeled at the Bar, and after ſtanding up, the L. Keeper ſpake as followeth.

My Lord of Strafford:

THe *Houſe of Commons in their owne name, and in the name of the whole Commons of* England, *have*

this day accuſed your Lordſhip to the Lords of the Higher Houſe of Parliament *of high treaſon. The articles they will within a very few dayes produce: In the meane time they have deſired of my Lords, and my Lords have accordingly reſolved, that your Lordſhip ſhall be committed to ſafe cuſtody to the Gentleman Uſher, and be ſequeſtred from the Houſe, till your Lordſhip ſhall cleare your ſelfe of the accuſations that ſhall be laid againſt you.*

Articles of the Commons aſſembled in Parliament, againſt *Thomas* Earle of *Strafford*, in maintenance of his accuſation, whereby he ſtands charged of High Treaſon.

I.

THat he the ſaid Thomas, *Earle of* Strafford, *hath traiterouſly endevoured to ſubvert the fundamentall Lawes and government of the Realmes of* England *and* Ireland, *and in ſtead thereof to introduce an Arbitrary and Tyrannicall Government againſt Law, which hee hath declared by traiterous words, counſels, and actions, and by giving his Majeſtie aduice, by force of Armes to compell his loyall Subjects to ſubmit thereunto.*

2. *That hee hath traiterouſly aſſumed to himſelfe Regall power over the lives, liberties, perſons, lands, and goods of his Majeſties Subjects in England and Ireland, and hath exerciſed the ſame tyrannically, to the ſubverſion*

and

and undoing of many, both of Peeres and others of his Majesties Liege people.

3. *That the better to enrich and enable himselfe to goe thorow with his traiterous designes, hee hath detained a great part of his Majesties revenue, without giving legall account; and hath taken great summes out of the Exchequer, converting them to his owne use, when his Majestie was necessitated for his owne urgent occasions, and his Army had beene a long time unpaid.*

4. *That he hath traiterously abused the power and authoritie of his government, to the encreasing, countenancing, and encouraging of Papists, that so hee might settle a mutuall dependance and confidence betwixt himselfe and that partie, and by their help prosecute, and accomplish his malicious and tyrannicall designes.*

5. *That hee hath malicionsly endevoured to stir up enmitie and hostilitie between his Majesties subjects of England, and those of Scotland.*

6. *That he hath traiterously broken the great trust reposed in him by his Majestie, of Lieutenant Generall of his Army, by wilfully betraying divers of his Majesties Subjects to death, his Army to a dishonourable defeat by the Scots at Newborn, and the Towne of New-Castle into their hands, to the end, that by the effusion of bloud, by dishonour, and so great a losse of New-Castle, his Majesties Realme of England might be engaged in a Nationall and irreconciliable quarrell with the Scots.*

7. *That to preserve himselfe from being questioned for those and other his traiterous courses, hee laboured to subvert the right of Parliaments, and the ancient course of Parliamentarie proceedings, and by false and malicious slanders to incense his Majestie against Parliaments. By which words, counsels, and actions, hee hath traiterously, and contrary to his allegiance, laboured to alienate the hearts of the Kings Liege people from his Majestie, to set a division betweene them, and to ruine and destroy his Majesties*

Majesties Kingdomes, for which they impeach him of high Treason against our Soveraigne Lord the King, his Crown and dignitie.

8. *And he the said Earle of Strafford Was Lord Deputie of Ireland, and Lieutenant Generall of the Army there,* viz. *His most excellent Majestie, for his Kingdomes both of England and Ireland, and the L. President of the North, during the time that all and everie the crimes and offences before set forth were done and committed, and hee the said Earle was Lieutenant Generall of all his Majesties army in the North parts of England, during the time that the crimes and offences in the fifth and sixth articles set forth were done and committed.*

9. *And the said Commons by protestations, saving to themselves the libertie of exhibiting at any time hereafter any other accusation or impeachment against the said Earle, and also of replying to the answers that hee the said Earle shall make unto the said articles, or to any of them, and of offering proves also of the premisses, or any of them, or any other impeachment or accusation that shall be exhibited by them, as the cause shall according to the course of Parliaments require, doe pray that the said Earle may be put to answer for all and every the premisses, that such proceedings, examinations, trials, and judgements may be upon everie of them had and used, as is agreeable to Law and Justice.*

The

The further impeachment of *Thomas* Earle of *Strafford* by the Commons assembled in Parliament.

1640

Whereas the said Commons have already exhibited Articles against the said Earle formerly expressed &c. Now the said Commons doe further impeach the said Earle as followeth, &c.

1. *That he the said Earle of* Strafford *the* 21. *day of* March, *in the* 8. *yeare of his now* Majesties *Reigne, was president of the Kings Counsell in the Northerne parts of* England.

That the said Earle being president of the said Counsell on the 21. *day of* March *a Commission under the great Seal of* England, *with certaine* Schedules *of instructions thereunto annexed, was directed to the said Earle, or others the Commissioners therein named, whereby amongst other things power and authority is limited to the said Earle, and others the Commissioners therein named, to heare and determine all offences, and misdemeanors, suits, debates, controversies and demaunds, causes, things and matters, whatsoever therein contained, and within certaine precincts in the said* Northerne *parts therein specified, and in such manner as by the said* Schedule *is limited and appointed.*

That amongst other things in the said instructions, it is directed that the said President *and others therein appointed, shall heare and determine according to the course of proceedings in the Court of* Starchamber, *divers offences, deceits, and falsities therein mentioned*, whether the same be provided for by the Acts of Parliament, or not, so that the Fines imposed be not lesse then by Act or Acts of

of Parliament provided for by those offences is appointed

That also amongst other things in the said instructions, it is directed that the said president and others therein appointed, have power to examine, heare, and determine, according to the course of proceedings in the Court of Chancery, *all manner of complaints for any matter within the said precincts, as well concerning lands, tenements, and hereditaments, either free-hold, customary, or coppy-holde, as Leases, and other things therein mentioned, and to stay proceedings in the Court of Common Law by Injunction, or otherwise, by all wayes and meanes, as is used in the Court of Chancery.*

And although the former Presidents of the said Counsell had never put in practise such Instructions, *nor ha they any such* Instructions, *yet the said Earle in the month of May in the said* 8. *yeare, and divers years following, did put in practise, exercise, and use, and caused to be used and put in practise the said* Commission and Instructions, *and did direct and exercise an exorbitant and unlawfull power and jurisdiction on the persons and estates of his Majesties subjects in those parts, and did disinherit divers of his Majesties subjects in those parts of their inheritances, sequestred their possessions, and did fine, ransome punish and imprison them, and caused them to be fined, ransomed, punished and imprisoned, to their ruine and destruction and namely,* Sir Conier Darcy, Sir Iohn Bourcher *and divers others against the Lawes, and in subversion of the same. And the said Commission and Instructions were procured and issued by the advice of the said Earle.*

And he the said Earle, to the intent that such illegall & unjust power might be exercised with the greater licence and will did advise, Counsell, & procure further directions, in and by the said instructions to be given, that no prohibition be granted at all, but in cases where the said Counsell shall exceed the limits of the said instructions: And that if any Writ of Habeas Corpus *be granted, the party be not discharged till the party performe the Decree and Order of the said Counsell.*

And the said Earle in the 13. *yeare of his now Majesties Reigne, did procure a new Commission to himselfe and others therein appointed, with the said Instructions, and other unlawfull additions.*

That the said Commission and Instructions were procured by the solicitation and advice of the said Earle of Strafford.

2. *That shortly after the obtaining of the said Commission dated the* 21 *of* March, *in the* 8 *yeare of his now Majesties Reigne (to wit) the last day of* August *then next following, he the said Earle (to bring his Majesties liege people into a dislike of his Majestie and of his Governement, and to terrifie the Justices of the Peace from executing of the Lawes: He the said Earle, beeing then President, as aforesaid, and a Justice of Peace) did publiquely at the Assises held for the County of* Yorke, *in the City of* Yorke, *in and upon the said last day of August declare and publish before the people there attending for the administration of Justice according to the Law, & (in the presence of the Justices sitting;* That some of the Justices were all for Law, but they should finde that the Kings little finger should be h.avier then the loynes of the Law.

3. *That the Realme of Ireland having been time out of minde annexed to the Imperiall Crowne of* England, *and governed by the same Lawes: The said Earle being Lord Deputy of that Realme, to bring his Majesties liege people of that Kingdome likewise into dislike of his Majesties government, and intending the subversion of the fundamental Lawes and setled government of that Realme, and the distraction of his Majesties liege people there, did upon the* 30. *day of September, in the ninth yeare of his now Majesties Reigne, in the Citie of* Dublin (*the chiefe Citie of that Kingdome, where his Majesties privie Counsell, and Courts of Justice doe ordinarily reside, and whither the Nobility and Gentry of that Realme doe usually resort for Justice,*) *in a publike Speech before divers of the Nobility*

bility and Gentry, and before the Major, Aldermen and Recorder, and many Citizens of Dublin, *and other his Majesties Liege people, declare and publish, that* Ireland was a conquered Nation, and that the King might doe with them what he pleased: and speaking of the Charters of the former Kings of England made to that Citie, he further said that their Charters were nothing worth, and did binde the King no further then hee pleased.

4. *That* Richard *Earle of* Corke, *having sued out processe in course of Law for recovery of his possessions, from which he was put by colour of an order made by the said Earle of* Strafford, *and the Counsell Table of the said Realme of Ireland. The said Earle of Strafford upon a paper petition without legall proceeding, did the* 20 *day of February, in the* 11. *yeare of his now Majesties Reigne, threaten the said Earle of* Corke (beeing then a Peere of the said Realme) *to imprison him, unlesse he would surcease his suit, and said*, That he would have neither Law nor Lawyers dispute or question any of his orders. *And the* 20. *day of* March *in the said* 11. *year of the said Earle of* Strafford, *speaking of an order of the said Counsell Table of that Realme, in the time of King* James, *which concerned a Lease which the said Earle of* Corke *claimed in certaine rectories or tithes which the said Earle of* Cork *alleaged to be of no force, said*, That he would make the said Earle, and all *Ireland* know, so long as hee had the government there, any Act of State, there made or to bee made, should bee as binding to the Subjects of that Kingdome, as an Act of Parliament; And did question the said Earle of *Corke* in the Castle Chamber, upon pretence of the breach of the said order of Counsell Table, and diu sundry other times, and upon sundry other occasions, by his words and speeches arrogated to himselfe a power above the fundementall Lawes and established Government of that Kingdome and scorned the said Lawes and established government.

5 *That according to such his Declarations and Speeches, the said Earle of Strafford* did use and exercise a power above, and against, and to the subversion of the said fundamentall Laws, and established government of the said Realme of *Ireland*, extending such his power, to the goods, free holds, inheritances, liberties, and lives of his Majesties Subjects in the said Realme, *viz.* The said Earle of *Strafford* the twelfth day of *December*, *Anno Domini* 1635. in the time of full peace, did in the said Realme of Ireland, give and procure to bee given against the Lord *Mount Norris* (then and yet a Peere of *Ireland*, and then Vice-Treasurer and receiver generall of the Realme of *Ireland*, and one of the principall Secretaries of State, and Keeper of the privy Signet of the said Kingdome, a sentence of death by a Councell of warre called together by the said Earle of *Strafford*, without any warrant or authority of Law; or offence deserving any such punishment. And hee the said Earle did also at *Dublin*, within the said Realm of *Ireland*, in the Month of *March*, in the fourteenth yeare of his Majesties Reigne without any legall or due proceedings or tryall, give, or cause to bee given, a sentence of death against one other of his Majesties Subjects, whose name is yet unknowne, and caused him to be put to death in execution of the said sentence.

6 *That the said Earle of* Strafford, *without any legall proceedings, and upon a paper Petition of Richard Ralstone*, did cause the said Lord *Mount-Norris* to be disseized and put out of possession of his free-hold and inheritance of his *Manner* and *Tymore* in the Countrey of *Armagh*, in the Kingdome of *Ireland*, the said Lord *Mount-Norris* having beene two yeares before in quiet possession thereof.

7 *That the said Earle of* Strafford, *in the Terme of holy Trinity, in the thirteenth yeare of his now Majesties Reigne*, did cause a case, commonly called *the case of Tenures*

Tenures upon defective Titles, to be made and drawne up without any jury or tryall, or other legall proceſſe, and without the conſent of parties, and did then procure the Iudges of the ſaid Realme of *Ireland* to deliver their opinions and reſolutions to that caſe, and by colour of ſuch opinion, did without any legal proceeding cauſe *Thomas* Lord *Dillon*, a Peere of the ſaid Realme of *Ireland*, to be put out of poſſeſſion of divers Lands, and Tenements, being his free-hold in the Countrey of *Mago* and *Roſecomen*, in the ſaid Kingdome, and divers other of his Majeſties Subjects to be alſo put out of poſſeſſion, & diſſeized of their free-hold by colour of the ſame reſolution, without legall proceedings, whereby many hundreds of his Majeſties ſubjects were undone, and their families utterly ruinated.

8 *That the ſaid Earle of* Strafford *upon a Petition of Sir* Iohn Gifford *Knight, the firſt day of* February, *in the ſaid thirteenth yeare of his Majeſties reigne, without any legall Proceſſe*, made a Decree or Order againſt *Adam* Viſcount *Loſts* of *Elie*, a Peere of the ſaid Realme of *Ireland*, and L. *Chancellor* of *Ireland*, & did cauſe the ſaid Viſcount to be impriſoned and kept cloſe priſoner, on pretence of diſobedience to the ſaid Decree or order.

And the ſaid Earle without any authority, and contrary to his Commiſſion, required and commanded the ſaid Lord Viſcount to yeeld unto him the great Seale of the Realme of Ireland, which was then in his cuſtody, by his Majeſties command, and impriſoned the ſaid Chancellour for not obeying ſuch his command.

And without any legall proceedings, did in the ſame thirteenth yeare impriſon *George* Earle of *Kildare*, a Peere of *Ireland*, againſt Law, thereby to enforce him to ſubmit his Title to the Mannor and Lordſhip of Caſtle Leigh in the Queens County, (being of great yearely value) to the ſaid Earle of *Straffords* will and pleaſure, and kept him a yeare priſoner for the ſaid

cause, two moneths whereof hee kept him close prisoner, and refused to enlarge him, notwithstanding his Majesties Letters for his enlargement to the said Earle of *Strafford* directed.

And upon a Petition exhibited in October, 1635. by *Thomas Hibbots*, against dame *Mary Hibbots* widdow, to him the said Earle of *Strafford*, the said Earle of *Strafford* recommended the said Petition to the Counsell Table of *Ireland*, where the most part of the Counsell gave their vote and opinion for the said Ladie, but the said Earle finding fault herewith, caused an order to be entred against the said Lady, and threatned her that if shee refused to submit thereunto, hee would imprison her, and fine her five hundred pounds, that if she continued obstinate, hee would continue her imprisonment, and double her fine every moneth by month, whereof shee was enforced to relinquish her estate in the land questioned in the said Petition, which shortly was conveyed to Sir *Robert Meredith*, to the use of the said Earle of *Strafford*.

And the said Earle in like manner did imprison divers others of his Majesties Subjects upon pretence of disobedience to his orders and decrees, and other illegall command by him made for pretended debts, titles of Lands, and other causes in an arbitrary and extrajudiciall course upon Paper Petitions to him preferred, and no other cause legally depending.

9 That the said Earle of *Strafford* the sixteenth day of *February*, in the twelfth yeare of his now Majesties Reigne, assuming to himselfe a power above and against Law, tooke upon him by a generall *Warrant* under his hand, to give power to the Lord Bishop of *Down*, and *Connor* his Chancellour, or Chancellors, to their severall Officers thereto to bee appoynted, to attach and arrest the Bodies of all such of the meaner and poorer sort, who after Citation should either refuse to

appeare

appeare before them, or appearing should omit, or denie to performe, or undergoe all lawfull Decrees, Sentences, and orders, issued, impoſed, or given out againſt them, & them to commit and keep in the next Goal, untill they should either performe such sentences, or put in sufficient Baile to shew some reason before the Counsell Table, of such their contempt and neglect; and the said Earle, the day and yeare last mentioned, signed and issued a Warrant to that effect, and made the like Warrant to send to all other Bishops and their Chancellours in the said Realme of Ireland to the same effect.

10 *That the said Earle of* Strafford *being Lord Lieutenant, or Deputy of* Ireland, procured the Customes of the Merchandize exported out, and imported into that Realme to be farmed to his owne use.

And in the ninth yeare of his now Majesties Reigne, hee having then interest in the said Customes (to advance his owne gaine and lucre) did cause and procure the native commodities of *Ireland*, to bee rated in the booke of Rates for the Customes (*according to which the Customes were usually gathered*) at farre greater values and prices than in truth they were worth (*that is to say*) every Hide at twenty shillings, which in truth was worth but five shillings, every stone of Wooll at thirteene shillings four-pence, though the same ordinarily were worth but five shillings, at the utmost but nine shillings; by which meanes the Customes, which before was but a twentieth part of the true value of the commoditie, was inhanced sometimes to a fift part, and sometimes to a fourth, and sometimes to a third part of the true value, to the great oppression of the Subjects, and decay of *Merchandize*.

11 *That the said Earle, in the ninth yeare of his now Majesties reigne*, did by his owne will and pleasure, and for his owne lucre restraine the exportation of the com-

commodities of that Kingdome without his licence, *as namely Pipe-ſtaves*, and other commodities, and then raiſed great ſummes of money for licenſing of exportation of thoſe Commodities, and diſpenſation of the ſaid reſtraints impoſed on them, by which meanes the *Pipe-ſtaves* were raiſed from foure pound ten ſhillings; or five pound *per* thouſand to ten pound, and ſometimes eleven pound *per* thouſand; and other commodities were inhanced in the like proportion, and by the ſame meanes by him the ſaid Earle.

12 *That the ſaid Earle being* Lord Deputy of Ireland, *on the ninth day of* Ianuary *in the thirteenth yeare of his Majeſties Reigne*, did then under colour to Regulate the Importation of Tobacco into the ſaid Realme of *Ireland* iſſue a Proclamation in his Majeſties Name, prohibiting the importation of Tobacco without licence of him and the Counſell, there from and after the firſt day of *May*, *Anno Dom.* 1638. after which reſtraint the ſaid Earle, notwithſtanding the ſaid reſtraint, cauſed divers great quantities of Tobacco to bee imported to his owne uſe, and fraughted divers ſhips with Tobacco, which he imported to his own uſe: and that if any ſhip brought Tobacco into any Port there, the ſaid Earle and his Agents uſed to buy the ſame to his owne uſe, at their owne price. And if that the owners refuſed to let him have the ſame at under-values, then they were not permitted to vent the ſame; by which unjuſt meanes, the Earle having gotten the whole Trade of Tobacco into his owne hands, he ſold it at great and exceſſive prizes, ſuch as he liſt to impoſe for his owne profit.

And the more to aſſure the ſaid Monopoly of Tobacco, he the ſaid Earle on the three and twentieth day of February, in the thirteenth yeare aforeſaid, did iſſue another Proclamation, commanding that none ſhould put to ſale any Tobacco by whole-ſale, from and after the laſt day of *May*, then next following, but what ſhould be made

up

up into Rolls, and the same Sealed with two Seales by himselfe appoynted, one at each end of the Roll. And such was not sealed to be seized, appoynting sixe pence the pound for a reward to such persons as should seize the same: and the persons in whose custody the unsealed Tobacco should bee found, to bee committed to Goale, which last Proclamation was covered by a pretence for the restraining of the seale of unwholsome Tobacco, but it was truely to advance the said Monopoly.

Which Proclamation, the said Earle did rigorously put in execution, by seizing the goods, fining, imprisoning, whipping, and putting the offenders against the same Proclamation on the Pillory, as namely *Barnaby Hubbard*, *Edward Covena*, *Iohn Tumen*, and divers others: and made the Officers of State, and Iustices of Peace, and other Officers to serve him in compassing and executing these unjust and undue courses, by which Cruelties and unjust Monopolies, the said Earl raised 100000 *li. per annum* gain to himself. And yet the said Earle though he inhanced the Customes, where it concerned the Merchants in general, yet drew down the impost formerly taken on Tobacco from sixe pence the pound to three pence the pound, it being for his owne profit so to doe.

And the said Earle, by the same, and other rigorous and undue meanes, raised severall other Monopolies and unlawfull exactions for his owne gaine, *viz.* on Starch, Iron-pots, Glasses, Tobacco-pipes, and severall other commodities.

13 That flaxe being one of the principall and native Commodities of that Kingdome of *Ireland*, the said Earle having gotten great quantities thereof into his hands, and growing on his owne Lands, did issue out severall Proclamations, *viz.* one dated the one and twentieth day of *May*, in the eleventh of his Majesties raigne, and the other dated the one and thirtieth day

of *January*, in the ſame yeare, thereby preſcribing and injoyning the working of Flaxe into Yearne and Thread; and the ordering of the ſame in ſuch wayes wherein the Natives of that Kingdome were unpractiſed and unskilfull: which Proclamations ſo iſſued, were by his Commands and Warrants to his Majeſties Juſtices of Peace, and other officers, and by other rigorous meanes put in execution, and the Flaxe wrought or ordered in other manner than as the ſaid Proclamation preſcribed, was ſeized and employed to the uſe of him and his agents, and thereby the ſaid Earle endeavoured to gaine, and did gaine in effect the ſole ſale of that native commodity.

15 That the ſaid Earle of *Strafford*, by Proclamation dated the ſixteenth of *October*, in the fourteenth yeare of his Majeſties Raigne, did impoſe upon the Owners, Maſters, Purſers, and Boat-ſwaines of every ſhip, a new and unlawfull Oath, *viz.* that they (two or more of them) immediately after the arrivall of any ſhip within any Port or Creek in the ſaid Kingdom of *Ireland*, ſhould give in a true in-voyce of the outward bulke of Wares and Merchandiſes and number of goods, and the qualities and condition of the ſaid goods, as farre as to them ſhould bee knowne, the names of the ſeverall Merchants proprietours of the ſaid goods, and the places from whence they were fraughted, and whither they were bound to diſcharge: which Proclamation was accordingly put in execution, and ſundry perſons enforced to take the ſaid unlawfull Oath.

15 *That the ſaid Earle of* Strafford *trayterouſly and wickedly deviſed and contrived by force of Armes in a warlike manner to ſubdue the ſubjects of the ſaid Realme of* Ireland, *to bring them under his tyrannicall power and will*, and in purſuance of his wicked and trayterous purpoſes aforeſaid, the ſaid Earle of *Strafford* in the eighth yeare of his Majeſties reigne, did by his owne authority, without any warrant or colour of Law, taxe and

and impoſe great ſummes of money upon the Townes of *Baltemore*, *Bandenbridge*, *Talowe*, and divers other Townes and places in the ſaid Realme of *Ireland*, and did cauſe the ſame to bee leavied upon the inhabitants of thoſe Townes by troopes of Souldiers, with force and armes, in a warlike manner. And on the ninth day of *March*, in the twelfth yeare of his now Majeſties Reigne, trayterouſly did give authority unto *Robert Savile*, a Sarjeant at Armes, and to the Captains of the Companies of ſouldiers, in ſeverall parts of that Realm, to ſend ſuch numbers of ſouldiers to lye on the lands and houſes of ſuch as would not conforme to his orders untill they ſhould render obedience to his ſaid orders and warrants, and after ſuch ſubmiſſion (and not before) the ſaid Souldiers to returne to their Garriſons. And did alſo iſſue the like Warrants unto divers others, which Warrants were in warlike manner, with force and armes put in execution accordingly, and by ſuch warlike meanes did force divers of his Majeſties Subjects of that Realme, to ſubmit themſelves to his unlawfull commands.

And in the ſaid twelfth yeare of his Majeſties reigne, the ſaid Earle of *Strafford* did trayterouſly cauſe certaine troops of Horſe and Foot, armed in warlike manner, and in warlike aray, with force and Armes to expell *Richard Butler* from the poſſeſſion of *Caſtle-Cumber*, in the Territory of *Idongh*, in the ſaid Realme of *Ireland*, and did likewiſe and in like warlike manner, expell divers of his Majeſties Subjects from their houſes, families, & poſſeſſions, as namely *Ed. Brenman*, *Owen Oberman*, *Patrick Oberman*, Sir *Cyprian Horsfield*, & divers others, to the number of about an hundred families, and took and impriſoned them and their wives, and carryed them priſoners to *Dublin*, and there detained them untill they did yield up, ſurrender, or releaſe their reſpective eſtates and rights.

And the said Earle in like warlike manner, hath during his government of the said Kingdome of Ireland, *subdued divers others of his Majesties Subjects easily to his will, and thereby, and by the meanes aforesaid, hath levied warre within the said Realm against his Majesty, and his liege people of that Kingdome.*

16 That the said Earle of *Strafford*, the two and twentieth of *February*, in the seventh yeare of his now Majesties Reigne, intending to oppresse the said subjects of Ireland, *did make a proposition, and obtained from his Majestie an allowance, that no complaint of injustice or oppression done in* Ireland, *should be received in* England *against any, unlesse it first appeared, that the party made first his addresse to him the said Earle: and the said Earle having by such usurped, tyrannicall, and exorbitant power, expressed in the former Articles, destroyed the Peeres and other Subjects of that Kingdome of* Ireland, *in their Lives, Consciences, Land, Liberties, and Estates, the said Earle to the intent the better to maintaine and strengthen his power, and to bring the people into a disaffection of his Majestie, as aforesaid, did use his Majesties name in the execution of his said power.*

And to prevent the Subjects of that Realme of all meanes of complaints to his Majesty, and of redresse against him and his agents, did issue a Proclamation, bearing date the seventeenth day of Septmber, in the eleventh yeare of his Majesties Reigne, thereby commanding all the Nobility, undertakers, and others who held estates and offices in the said Kingdome, (except such as were imployed in his Majesties service, or attending in England by his speciall command) to make their personall residence in the said Kingdome of Ireland, *and not to depart thence without licence of himselfe.*

And the said Earle hath since issued other Proclamations to the same purpose, by meanes whereof the Subjects of the said Realme are restrained from seeking relieſe against the oppressi-

oppreſſions of the ſaid Earle, without his licence: which Proclamation the ſaid Earle hath by ſeverall rigorous wayes, as by fine, impriſonment, and otherwiſe, put in execution on his Majeſties Subjects, as namely, one — Parry and others, who came over onely to complain of the exorbitances and oppreſſions of the ſaid Earle.

17 That the ſaid Earle having by ſuch meanes as afore-ſaid, ſubverted the Government and Lawes of the Kingdome of *Ireland*, did in March in the ſixteenth yeare of his Majeſties Reigne, *in ſcandall of his Majeſty, of all his Kingdomes, and in further Execution of his wicked purpoſes aforeſaid, ſpeaking of the Armies in Ireland, declare, that his Majeſty was ſo well pleaſed with the Army of* Ireland, *and the conſequence thereof, that his Majeſty would certainly make the ſame a patterne for all his three Kingdomes.*

18 That the ſaid Earle of Strafford, for the better effecting of his traiterous deſignes, and wicked purpoſes, *did indevour to draw dependency upon himſelfe of the Papiſts in both Kingdomes of* England *and* Ireland, *and to that end during the time of government in* Ireland, *he reſtored divers Frieries, and Maſſe-houſes, (which had beene formerly ſuppreſſed by precedent Deputies of that Kingdome, two of which houſes were in the City of* Dublin, *and had beene aſsigned to the uſe of the Vniverſity there) to the pretended owners thereof, who have ſince imployed the ſame to the exerciſe of the Popiſh Religion.*

And in the Moneth of *May* and *June* laſt, the ſaid Earle did raiſe an Armie in the ſaid Realme of *England* conſiſting of eight thouſand foot, all of which, except one thouſand, or thereabouts, were Papiſts, and the ſaid one thouſand were drawne out of the old Army there, conſiſting of two thouſand foote, and in their places there were a thouſand Papiſts, or thereabouts put into the ſaid old Army by the ſaid Earle.

And the more to ingage and tye the new Army of Papists to himselfe, and to incourage them, and to discourage and weare out the old Armie, the said Earle did so provide; That the said new Army of Papists were duly payed, and had all necessaries provided for them, and permitted the exercise of their Religion, but the said old Army were for the space of one whole yeare and upwards unpaid.

And that the said Earle being appoynted a Commissioner with eleven severall Counties in the Northern parts of England, *for compounding with Recusants for their forfeitures due to his Majesty*; which Commission beareth date the eighth day of *July*, in the fifth yeare of his Majesties Reigne that now is, and being also Receiver of the Gompositon Money thereby arising, and of other debts, Duties, and penalties for his Majesties use, by Letters Patents dated the 9. day of the said *July*: he, to engage the said Recusants to him, *did compound with with them at low and under rates, and provided, that they should bee discharged of all proceedings against them, in all his Majesties Courts, both temporall and Ecclesiasticall, in manifest breach of, and contrary to the Lawes and Statutes of this Realme, in that behalfe established.*

19 *That the said Earle having taxed and levied the said impositions, and raised the said Monopolies, and committed the said oppressions in his Majesties name, and as by his Majesties Royall command, he the said Earle in May the* 15 *yeare of his Majesties* Reigne, *did of his owne authority contrive and frame a new and unusuall oath, by the purport whereof among many other things, the party taking the said oath, was to sweare that he should not protest against any of his Majesties royall commands, but submit themselves in all obedience thereunto. Which oath he so contrived to enforce the same on the subjects of the Scottish Nation, inhabiting in Ireland, and out of a hatred to the said Nation,*

and

and to put them to a discontent with his Majesty, & his government there, and compelled divers of his Majesties said Subjects there to take the said oath, some he grievously fined and imprisoned, and others he destroyed and exiled, and namely the 10 of October, Anno Dom. 1639. *He fined* Henry Steward *and his wife, who refused to take the said oath,* 5000 *pounds a piece, and their 2. daughters and* James Gray, 3000. *pounds a piece, and imprisoned them for not paying the said fines. The said* Henry Stewards *wife and daughters, and* James Gray, *being the Kings liege people of the Scottish Nation, and divers others he used in like manner, and the said Earle upon that occasion did declare, that the said oath did not onely oblige them in point of allegiance to his Majesty, and acknowledgement of his Supremacie only, but to the Ceremonies and governement of the Church established; or to be established by his Majesties Royall authoritie; and said, that the refusers to obey, he would prosecute to the blood.*

20 *That the said Earle in the* 15. *and* 16. *yeares of his Majesties Reigne, and divers yeares past, laboured and endevoured to beget in his Majestie an ill opinion of his subjects, namely, those of the Scottish Nation, and diverse and sundry times, and especially since the Pacification made by his Majestie with his said Subjects of Scotland in Summer, in the* 15 *yeare of his Majesties Reigne; he, the said Earle did labour and endeavour to perswade, incite, and provoke his Majestie to an offensive warre against his said Subjects of the Scottish Nation: And the said Earle, by his counsell, actions, and endeavours, hath beene and is a principall and chiefe incendiary of the warre and discord betweene his Majestie and his Subjects of England, and the said Subjects of Scotland, and hath declared and advised his Majesty, that the demand made by the Scots in this Parliament were a sufficient cause of warre against them*

The said Earle having formerly expressed the height &

rancor

rancor of his minde towards his Subjects of the Scottish Nation, viz. the tenth day of October, in the 15. yeare of his Majesties Reigne, he said that the Nation of the Scots were rebels, and traytors, and hee beeing then about to come to England, he then further said, that if it pleased his Master (meaning his Majesty) to send him backe againe, hee would root out of the said Kingdome (meaning the Kingdom of Ireland) the Scottish Nation both root and branch.

Some Lords and others, who had taken the said oath in the precedent Article onely excepted: and the sayd Earle hath caused divers of the said ships and goods of the Scots to bee stayed, seized, and molested, to the intent to set on the said warre.

21. That the said Earle of Strafford, shortly after his speeches mentioned in the last precedent Article, to wit, in the fifteenth yeare of his Majesties Reigne, came into this Realme of England, and was made Lord Lieutenant of Ireland, and continued his government of that Kingdome by a Deputy: At his arrivall here, finding that his Majestie with much wisedome and goodnesse had composed the troubles in the North, and had made a Pacification with his Subjects of Scotland; he laboured by all meanes to procure his Majesty to breake that Pacification, incensing his Majesty against his Subjects of that Kingdome, and the proceedings of the Parliament there.

And having incensed his Majestie to an offensive war against his said Subjects of Scotland, by Sea and by Land, and by pretext thereof, to raise Forces for the maintenance of that war, he counselled his Majesty to call a Parlament in England, yet the said Earle intended, if the said proceedings of that Parliament should not be such as would stand with the said Earle of Straffords mischievous designes he would then procure his Majestie to breake the same; and by wayes of force and power, to raise monies upon the said subjects of this Kingdome.

And for the incouragement of his Majestie to hearken

to

to his advice, he did before his Majesty and his privie Counsell, then sitting in Counsell, make a large Declaration, that he would serve his Majesty in any other way, in case the Parliament should not supply him.

22 *That in the moneth of March, before the beginning of the last Parliament, the said Earle of* Stafford *went into* Ireland, *and procured the Parliament of that Kingdome to declare their assistance in a war against the Scots. And gave directions for the raising of an Army consisting of* 8000. *foot, and* 1000. *horse, being for the most part Papists, as aforesaid. And confederating with one Sir* George Ratcliffe, *did together with him the said Sir* George, *trayterously conspire to employ the said Army for the ruine and destruction of the Kingdome of England, and of his Majesties Subjects, and of altering and subverting of the fundamentall Laws of this Kingdome.*

And shortly after, the said Earle of Strafford *returned into Englann, and to sundry persons declared his opinion to be,* that his Majesty should first try the Parliament here, and if that did not supply him according to his occasions, he might use then his Prerogative as he pleased, to levie what he needed, and that he should bee acquitted both of God and man, hee tooke some other courses to supply himselfe, though it were against the will of his Subjects.

23. *That upon the thirteenth day of Aprill last, the Parliament of* England *met, and the Commons house (then being the representative Body of all the Commons in the Kingdome) did according to the trust reposed in them, enter into debate and consideration of the great grievances of of this Kingdome, both in respect of Religion, and the publike libertie of the Kingdome, and his Majestie referring chiefly to the Earle of* Strafford, *and the Archbishop of* Canterbury, *the ordering and disposing of all matters concerning the Parliament: He the said Earle of* Strafford, *with*

the assistance of the said Archbishop, did procure his Majesty by sundry speeches and messages, to urge the said Commons house to enter into some resolution for his Majesties supply, for maintenance of his warre against his Subjects of Scotland, *before any course was taken for the relieſe of the great and pressing grievances, wherewith this Kingdome was then afflicted. Whereupon, a demand was then made from his Majesty, of 12. Subsidies, for the releaſe of ship-money onely; and while the said Commons then assembled (with expressions of great affection to his Majestie and his service) were in debate and consideration of some supply, before resolution by them made, he the said Earle of* Strafford, *with the helpe and assistance of the said Archbishop, did procure his Majesty to dissolve the last Parliament, upon the 5. day of May last: and upon the same day the said Earle of* Strafford *did treacherously, falsely, and maliciously endeavour to incense his Majesty against his loving & faithfull Subjects, who had been members of the said house of Commons, by telling his Majesty, they had denyed to supply him. And afterward upon the same, did treacherously and wickedly counsell and advise his Majesty to this effect,* viz. that having tryed the affections of his people, he was loose and absolved from all rules of government, and was to doe every thing that power would admit, and that his Majesty had tryed all ways and was refused, and should be acquitted both of God and man; & that he had an Army in Ireland (meaning the Army above mentioned, consisting of Papists, his dependants as is aforesaid) which he might imploy to reduce this Kingdome to obedience.

24 That in the same month of *May*, *he the said Earl of* Strafford, *falsly, treacherously, and maliciously, published and declared before others of his Majesties Privie Counsell, that the Parliament of* England *had forsaken the King, and that in denying to supply the King, they had given him the advantage to supply himselfe by other wayes:*

and

and divers other times he did maliciously, wickedly, and falsely publish and declare, that seeing the Parliament had refused to supply his Majesty in the ordinary and usuall way, the King might provide for the Kingdome in such waies, as he should hold fit, and that he was not to suffer himselfe to be mastered by the frowardnesse of the people.

And having so maliciously slandered the said house of Commons, he did with the helpe and advice of the said Archbishop of Canterbury *and the Lord* Finch, *late Lord Keeper of the great Seal of* England *: cause to be printed, and published in his Majesties name, a false and scandalous book entituled,* his Majesties Declaration *of the causes that mooved him to dissolve the last Parliament, full of bitter and malicious invectives, and false, and scandalous aspersions against the said house of Commons.*

25 That not long after the dissolution of the said last Parliament, *(viz.* In the moneths of *May* and *June)* he the Earle of *Strafford, did advise the King to goe on rigorously in leavying the Ship-money, and did procure the Sheriffes of severall Countries to be sent for, for not leavying the Ship-money, divers of which were threatned by him to be sued in the Starre-Chamber, and afterwards by his advice were sued in the Star-chamber, for not leavying the same, and divers of his Majesties loving Subjects were sent for and imprisoned by his advice, about that and other illegall payments.*

And a great loane of a hundred thousand pounds was demanded of the City of London, and the Lord Major, and the Aldermen and the Sheriffes of the said City, were often sent for by his advice to the Councell Table, to give an account of their proceedings in raising of Ship money, and furthering of that loane, and were required to certifie the names of such Inhabitants of the said City as were fit to lend, which they with much humility refusing to doe, he the

said Earle of Strafford *did use these or the like speeches: viz.* That they deserved to be put to Fine and Ransom, and that no good would be done with them, till an example were made of them, and they were laid by the heeles, and some of the Aldermen hanged up.

26 *That the said Earle of* Strafford *by his wicked Counsell having brought his Majesty into excessive charges without any just cause, he did in the month of July last (for the support of the said great charges) counsell and approve two dangerous and wicked Projects: viz.*

To seize upon the Bullion, and the money in the Mint.

And to imbase his Majesties Coyne with the mixtures of Brasse.

And accordingly we procured one hundred and thirty thousand pounds which was then in the Mint, and belonging to divers Merchants, Strangers, and others, to bee seized on, and stayed to his Majesties use. And when divert Merchans of *London*, owners of the said Bullion, came to his house to let him understand the great mischefe, that course would produce here, and in other parts, what prejudice it would bee to the Kingdome, by discrediting the Mint, and hindring the importation of Bullion: hee the said Earle told them, that the City of *London* dealt undutifully and unthankfully with his Majesty; and that they were more ready to helpe the Rebell than to helpe his Majesty: and that if any hurt came to them, they may thank themselves: and that it was the course of other Princes to make use of such monies to serve their occasions.

And when in the same Moneth of Iuly, *the Officers of his Majesties Mint came to him and gave him divers reasons against the imbasing the said money, hee told them that the French King did use to send Commissaries of Horse with Commission to search into mens estates, and to peruse their accounts, so that they may know what to levie*

of

of them by force, which they did accordingly leavie : and turning to the Lord Cottington, *then present, said;* That this was a poynt worthy his Lordships consideration.

27 *That in or about the Moneth of* August *last he was made Lieutenant Generall of all his Majesties Forces in the Northerne parts against the Scots, and being at* York, *did in the Moneth of* September *by his owne authority, and without any lawfull warrant, impose a Taxe on his Majesties Subjects in the County of* Yorke *of eight pence* per diem, *for maintenance of every Souldier of the Trayned bands of that County, which Summes of money hee caused to bee leavied by force. And to the end to compell his Majesties Subjects out of feare and terrour to yeeld to the payment of the same, He did declare that hee would commit them that refused the payment thereof, and the Souldiers should be satisfied out of their estates; and they that refused it, were in very little better condition than of High Treason.*

28 *That in the Moneth of* September *and* October *last, he the said Earle of* Strafford, *being certefied of the Scottish Army comming into the Kingdome, and hee the said Earle of* Strafford *being Lieutenant Generall of his Majesties Armie, did not provide to the defence of the Towne of* New-Castle, *as he ought to have done, but suffred the same to be lost, that so hee might the more incence the English against the Scots.*

And for the same wicked purpose, and out of a malicious desire to ingage the Kings kingdoms of England *and* Scotland *in a Nationall and bloody Warre, he did write to the Lord* Conway *the Generall of the Horse, and under the said Earles command, that hee should fight with the Scottish Army at the passage over the Tyne, whatsoever should follow; notwithstanding that the said* Lord Conway *had formerly by Letters informed him the said Earle, that his Majesties Armie then under his command, was not of force sufficient to encounter the Scots, by which advice*

of

of his, hee did contrary to the duty of his place betray his Majesties Armie then under his command, to apparent danger and losse.

All and every which Words, Counsells and Actions of the said Earle of Strafford *traiterously and contrary to his allegeance to our Soveraigne Lord the King, and with an intention and endeavour to alienate and withdraw the hearts and affections of the Kings Liege people of all his Realmes from his Majesty, and to set a division betweene them, and to ruine and destroy his Majesties said Kingdomes. For which they doe further impeach him the said* Thomas, *Earle of* Strafford *of High Treason against our Soveraigne Lord the King, his Crowne and Dignity.*

The

The Earle of *Briſtowes* Speech, the 7th of *Decemb.* 1640.

MAY this dayes Reſolution be as happy as the Propoſition (which now moves me to riſe) ſeaſonable and neceſſary: for whether wee ſhall looke upon the King or the people, it did never more behoove us, the great Phyſitian the Parliament, to effect a true conſent towards all parts, than now: This debate carries with it a double aſpect, towards the Soveraigne, and towards the Subject; though both innocent, both injured, both to be cured.

In the repreſentation of Injuries, I ſhall crave your attention: In the Cures, I ſhall beſeech your equall cares, and better Judgements: ſurely in the greateſt humility I ſpeake it, their illegall wayes are works and puniſhments of indignation.

The raiſing of Leavies, ſtrengthened by Commiſſion, with un-heard of inſtructions, the billiting of Souldiers, and by Lieutenants, and their Deputies, without leave have beene as if they would have perſwaded Princes (nay worlds) the right of Empire had beene had to take away what they pleaſe by ſtrong hands; and they have endeavoured as farre as it was poſſible for them to doe it.

This hath not beene done by the King, under the pleaſing ſhade of whoſe Crowne I hope we ſhall ever gather the fruits of Iuſtice, but the Projectors have extended the Prerogative of the King beyond the limits, which mars that ſweete harmony.

They

They have rent from us the light of our eyes, enforced Companies of gueſts upon us, worſe than the Ordinary of France, *vitiated of wives and daughters before our faces, brought the Crowne to greater want, than ever it was by anticipating the Revenue: And can the ſhepheard be thus ſmitten, and the ſheepe not ſcattered?*

They have introduced a Privie Councell, raviſhing at once the ſpheares of all ancient government, impriſoning without Bayle or Bond. They have taken from us: what ſhall I ſay? indeed what have they left us? All meanes of ſupplying the King, and ingratiating our ſelves with him, taking the rootes of all propriety; which if it be ſeaſonably ſet into the ground by his owne hand, we ſhall have inſtead of beauty baldneſſe.

To the making of them whole, I ſhall apply my ſelfe, and propound a remedy to all theſe diſeaſes by one and the ſame thing: Hath King and People beene hurt, and by one and the ſame thing muſt they be cured; to vindicate what? new things? no our ancient ſober vitall libertie, by reinforming our ancient Lawes, made by our Anceſtors, by ſetting ſuch a Charter upon them as no licentious ſpirits ſhould dare hereafter to enter upon them: And ſhall wee thinke that a way to breake a Parliament? no, our deſires are modeſt and juſt; I ſpeake truely both for the intereſt of the King and people; if we enjoy not this, it will bee impoſſible to relieve him: Therefore let us feare they ſhall not bee accepted by his goodneſſe.

Therefore I ſhall diſcend unto my motions, which conſiſts of foure parts, two of which have relation to the perſons, two to the properties of goods. For the perſons, the freedome of them from impriſonment, and from imployment abroad, contrary to the ancient cuſtomes: for our goods, that no leavies be made but in Parliament.

Secondly, no billiting of Souldiers.

It

It is most necessary that these be resolved, that the subject be secured in both: Then the manner in the second place be fit to determine it by a grand Committee.

Mr. MAINARDS Speech before both Houses in Parliament, on *Wednesday* 24th. of *March*, in reply upon the Earle of *Strafford* answer to his Articles at the Barre.

My Lords,

I Shall repeat little of that which hath beene said, onely this; That whereas my Lord of *Strafford* did answer to many particulars; yet hee did not answer to that which was particularly objected against him; that is, that you were to heare the complaints of the whole Kingdome: now the particular of our aime, is to take off the vizard, which my Lord hath put on; wherein the truth and honour which is due to his Majestie, he would attribute to himselfe.

My Lords, there is one thing which I desire your Lordships to remember, it being the maine of our complaints.

The alteration of the face of government, and traducing of his owne Lawes ; and this is the burthen upon all the Lords and Commons of Ireland. *Concerning the breach of Parliament, he would put it on Sir* George Ratcliffe ; *but I'me sure, he cannot put off himselfe : for Sir* George Ratcliffe *was not the man alone, but others joyned with him in that Assembly , and I am sure my Lord of* Strafford *moved it for the breach of Parliament.*

I shall addresse my selfe to the body of his answere : Now give me leave my Lords, that I may open the nature of this great offence.

My Lords, *it is a charge of Treason, which is a Treason not ended , or expired by one single Act ; but a trade enured by this Lord of* Strafford, *ever since the Kings favor hath been bestowed upon him.*

My Lords, it hath two parts: to deprive us that which was good. And secondly , to bring in a Tyrannicall government , it takes away the Lawes of the Land, and it hath an arbitrary governement , bounded by no law, but what my Lord of Strafford *pleaseth.*

It is the law , my Lords, which we reverence, and cheerefully render to our gracious Soveraigne : The Law as it is the ground of our libertie , so it is the distribution of Justice.

My Lords , in all this , my Lord of Strafford hath endeavoured to make them uncapable of any benefit : it is true my Lords ; that Treason against the person of a Prince is high Treason, and the highest Treason that can be to man; but it falls short of this Treason against the State.

When blessed King James *was taken to heaven, he commended the lawes to his sonne, our gracious Soveraigne. But my Lords, if such a design as this should take effect, that the law of Justice should be taken from the Throne, we are without hope of ever seeing happy dayes: power is not so easily laid downe, unlesse it be by so good and just a Prince as we have.*

My Lord of Straffords *accusation is conveyed into twen-*

ty

ty eight Articles, and I shall but touch the heads, that wee shall insist upon, and I thinke the best way to this, is to consider what he did before he went into Ireland, *what then, and what since.*

He hath encroached jurisdiction where none was, taking upon him a power to repell the lawes, and to make new lawes, and in domineering over the lives and goods, and what ever else was the subjects.

My Lords, this he hath not done onely upon the meaner sort, but upon the Peeres and auncient Nobilitie, and what may your Lordships expect, but the same measure at his hands here, as they have found there when he committed any to prison: if a Habeas Corpus *were granted; the Officers must not obey, and if any Fine were put upon the Officer, for refusing them, there was a command that he should bee discharged: so that he did not onely take power to himselfe, but the Scepter of Justice out of the Kings hand.*

When he was a member of the house of Commons, it was his owne motion, all Ministers of state should serve the King, according to the lawes which he hath broken himselfe.

He doth as much as say, that Fines shall not be payed by Officers, if in this they fulfill his commands, but those that release a prisoner upon a Habeas Corpus *shall finde his displeasure.*

My Lords, if this had been a single Act, we should not have accused him of high Treason, but this hath beene his common course, and this we present to your Lordships consideration.

The next thing is, that in the North *the people attending for Justice, you shall see what a dishonour he flung upon the sacred Majestie of the King, that did advance him: some of the Justices (saith he) are all for Law, but they shall finde that the Kings little finger is heavier then the Loynes of the Law.*

My Lords, what a sad speech was this, and what sad Ac-

cidents happened upon it, you all know, and he said in a solemne speech; That Ireland was a conquered Nation, and that the King might do with them what he would, their Charters were nothing worth, they did binde the King no longer then he pleased. Surely you may see what hee would do if he had power, but we hope never such counsell shall have acceptation in so gracious an Eare as our Soveraignes, and he doth not stay in words, but proceeds to Actions, when a Peere of the Kingdome was expelled the Kingdome for suing at Law for recovering of his Right, he saith, he would have Ireland know that neither Law nor Lawyers should question any thing that he ordered.

My Lords, he goes higher, for when there was an occasion to speake of an Act of State, *he said it should bee as binding as an Act of Parliament.*

My Lords, he cannot goe higher then this, hee tells them in Parliament; *they were a Conquered Nation, and they must expect the usage of a Conquered Nation.*

The Lord *Mountnorris* for a few words that fell from his mouth spoken privately at his Table, had a Counsell of warre called against him and was judged to death.

My Lords, it is no marvaile that he saie; *That the Kings little finger should be so heavie, when his little toe was so heavie to tread downe a Peere under his foote.*

My Lords, he makes Lawes of himselfe, and hee makes a difference in matters of Iustice betweene the poore and the rich, but when he hath executed his power upon the poore, he will fall upon the rich.

My Lords, he hath made that which was worth but five shillings to the value of twenty, and my *Lords*, by this he doth in effect take away what ere this commoditie is worth, he saith he doth it for the Kings gaine, but we shall make it appeare, that the Crowne hath lost, and he hath gained.

And for the Commodity of Flax *my Lords*, it is but a

Womans

Womans Commodity, but yet it is the ſtaple Commodity of *Ireland*.

Now *my Lords*, this Commodity he hath gotten wholly into his owne hands, for he made ſuch a Proclamation, that it ſhould be uſed in ſuch wayes as the Women could not doe it, and if it were not uſed in ſuch ways, that it ſhould bee ſeiſed upon, no he doth not onely put impoſitions upon the Subject, but take away the goods too, and thus he hath levyed warre againſt the Kings Subjects, and this is his courſe, that if a Decree were made by him and not obeyed, there iſſued a warrant to Souldiers, that they ſhould make Garriſon, and that they ſhould goe to the houſes of thoſe that were pretended to be diſobedient.

My Lords they have killed their ſheep and their Oxen, and bound their horſes and took them Captives till they have rendered obedience, which is expreſſely contrary to Law, for it ſaith; *If any man ſet horſe or foot upon the Kings Subject, in a Military way, it is high Treaſon.*

My Lords, it doth not onely oppreſſe them in their eſtates, but provoke and incite his Majeſty to lay downe his mercy and goodneſſe, and to fall into an offenſive war againſt his Subjects, and to ſay they are Rebels and Traytors.

He tels his Counſell that the Parliament having forſaken the King, and the King having tryed the Parliament, hee might uſe other wayes to procure money to ſupply his neceſſities.

My Lords, the ſame day that the Parliament was broken, he tels the King, he had 8000. foot and 1000. horſe to reduce this Kingdome to obedience.

My Lords, conſider in what a ſad time this man tooke to infuſe this ſad Counſell into the Kings eare.

My Lords, he doth adviſe the King that he was abſolved from all rules of government, but if no rule of government, what rule of obedience; Surely he meant to reduce us to a *chaos* and confuſion, &c. would have us without all rule of government or obedience.

My Lords, thoſe that he would have brought to reduce us were Papiſts, Enemies of our Religion. This ſtrikes us neer my Lords, and is the griefe of our hearts; *that an Iriſh army ſhould be brought into England to reduce us.*

My Lords, I hope we were nere ſo far gone, as to need an army to reduce us to obedience.

My Lords, he had raiſed this Army, and if ſuch Counſell had taken effect in his Majeſties eare, he, like proud *Haman*, would have thought to have been Generall of the Army.

And thus *my Lords*, you ſee this Lord of *Strafford* falls upon a Counſell, which might make an irreconcileable difference to ſubdue us by his power.

The Earle of *Briſtowes* Speech in the High Court of *Parliament* upon the delivering of by him the Scottiſh Remonſtrance and Schedule of their charges.

OUr Anceſtors were accuſtomed to heare propoſitions in an other manner.

We repreſent unto you a very diſtreſſed eſtate, ſad tidings and diſhonourable to our Nation.

That we ſhould ſuffer our Countrey to relieve an Army that is come againſt us.

This may ſeeme to withdraw from the greatnes and honor of this Nation, but I am ſorry it ſhould be thought a Nationall diſhonour as the caſe now ſtandeth.

But *I* wiſh it may light upon thoſe that have been the ill inſtruments, by their imprudent Counſells to bring this Kingdome into ſuch an unhappy buſineſſe, that hath produced miſerable effects and Calamities.

But let us labour to build the honour of this Nation, and if ill and wicked men have brought this great diſhonour, great let the honour be when a ſtate is ſo diſtreſſed, by wiſdom and

and prudence to relieve it.

I doe remember when the Common-wealth of *Rome* was in great distresse, after the great Battayle of *Cannæ*, they gave thankes that the Counsell did not despaire of the safety of the Common-wealth, and me thinkes there is no cause to despair, If those ill Counsels and ill ways have brought us to this Calamity, shall hereafter bee turned to wise, prudent and setled wayes, if God may so blesse us that we again prove happy, for this Nation, the strength and Scituation of it would hardly be brought to this condition, were it not for want of Vnity, and for discord among our selves.

When a happie Vnitie among our selves, I doubt not to see the honour of this Nation set vp againe by the wisedome of his Majesty and prudent endeavour of this assembly, this whole *Monarchy* once reunited, I meane the 3. Kingdomes, will render us very considerable abroad.

His *Majesty* hath granted our brethren in *Scotland* their demands in matter of Religion and liberty, and doubt not but with humility and duty may likewise obtaine what wee shall desire concerning religion and libertie graciously from his *Majesties hands*.

And I am most confident his *Majestie* may expect from us all that duty, affection and assistance as he hath just cause to expect from good people.

If God shall blesse us and this whole Monarchy with unity, love and concord, certainly these great Armies that do now trouble us, and are ready to offend one an other, may shew a capability with united mindes and well designed to effect great matters, and may by unity of Counsell raise us up againe in the world to a good estimation, and as great an honour as ever. I hope God will blesse us with good Counsells, and that the King as a gracious good and prudent Prince, and all his Subjects joyning in this way, no doubt but God will bring us againe to a convenient condition of consistancie, yea since our armies are vnited under one King and Nation, and in one Iland, from a state gasping it will bee easie thence to bring us to a condition of prosperity: therefore let us procure and

maintaine

maintaine a good correſpondency amongſt our ſelves, and for the propoſition, it much ſtarted us at firſt, but I muſt ſay thus much.

That where wars have fallen between Nations, it is not unlawfull nor great diſhonour to let men part upon reaſonble conditions, though with good conſideration our Kings paſſed many times into *France*, and returned with recompence, but this a friendly demonſtration, of one Nation to another there is great difference in point of honour, if we conſider the ſtate wherein wee now are, two Armies in the field, and conſider it was not through our default, nor the fault of the Kingdome, that we are brought into theſe calamities.

The Inſtruments will bee made an example, and the diſhonour will light upon them, and then certainly we doe conceive a wiſe and prudent Senate, to apply themſelves to ſome things by neceſſity is no diſhonour.

A State lying gaſping and bleeding to reſtore it is an eſſentiall part of honour,

This is that I had in command to ſay unto you.

The Speech

His Majesties Speech to both the Houses of Parliament, *February* 3. 1640.

HAving taken into my serious consideration the late Remonstrance made unto mee by the House of Parliament, I give you this answer,

That I take in good part your care of the true Religion established in this Kingdome, from which I will never depart, as also for the tenderness of my safety, and security of this State and Government: It is against my minde, that Popery or Superstition should any way encrease within this Kingdome, and will restraine the same by causing the Laws to be put in execution.

I am resolved to provide against the Jesuites and Papists, by setting forth a Proclamation with all speed, commanding them to depart the Kingdome within one Moneth, which if they faile, or shall returne, then they shall be proceeded against according to the Lawes.

Concerning *Resettie*, I give you to understand, that the Queene hath alwayes assured me, that to her knowledge hee hath no Commission, but onely to entertaine a personall correspondence betweene her and the Pope, in things requisite for the Exercise of her Religion, which is warranted to her by the Articles of Marriage, which give her a full Liberty of Conscience; yet I have perswaded her, that since the misunderstanding of the Persons condition gives offence, shee

will within a convenient time remove him.

Moreover, I will take a ſpeciall care to reſtraine my Subjects from reſorting to Maſſe at *Denmark* houſe, St. *James*, and the Chappell of Ambaſſadors.

Laſtly, concerning *John Goodman* the Prieſt, I will let you know the reaſon why I reprived him, that as I am enformed, neither Queene *Elizabeth*, nor my Father did ever avow, that any Prieſt in their times was executed meerely for Religion, which to me ſeemes to be this particular caſe, yet ſeeing that I am preſſed by both Houſes, to give way to his, becauſe I will avoid the inconveniencie of giving ſo great diſcontent to my people, as I conceive this Mercy may produce, therefore I doe remit this particular Cauſe to both the Houſes: But I deſire them to take into their conſideration, the inconveniencies (as I conceive) may upon this occaſion fall upon my Subjects and other Proteſtants abroad, eſpecially ſince it may ſeeme to other States to be a ſeverity, which ſurpriſe having thus repreſented, I think my ſelfe diſcharged from all ill conſequence that may enſue upon the execution of this perſon.

FINIS.

Pictures, both engraven and printed, and the placing of such in Bibles.

XII.

The multitude of *Monopolies* and *Pattents*, drawing with them innumerable Perjuries, the large encreafe of Cuſtomes and Impoſitions upon *Commodities*, the *Ship-monies*, and many other great burthens upon the *Common-wealth*, under which all groane.

XIII.

Moreover, the Offices and Juriſdictions of *Arch-biſhops*, *Lord-Biſhops*, *Deanes*, *Arch-Deacons*, being the ſame way of *Church-Government* which is in the *Romiſh Church*, and which was in *England* in the time of *Poperie*, little change thereof being made (except onely the head from whence it was derived) the ſame Arguments ſupporting the Pope, which doe uphold the *Prelates*, and overthrowing the *Prelates*, which doe pull downe the Pope, and other reformed *Churches*, having upon their rejection of the Pope, caſt the Prelates out alſo as Members of the Beaſt: Hence it is, that the Prelates here in *England* by themſelves or their Diciples plead and maintaine, that the Pope is not *Antichriſt*, and that the *Church of Rome* is a true *Church*, hath not erred in Fundamentall points, and that Salvation is attainable in that Religion, and therefore have reſtrained to pray for the Converſion of our Soveraigne Lady the Queene. Hence alſo hath come,

XIV.

The great Conformity and likeneſſe both continued and encreaſed of our Church to the Church of *Rome*, in Veſtures, Poſtures, Ceremonies, and Adminiſtrations, namely as the Biſhops Rochets, and the Lawne ſleeves, the foure-cornerd Cap, the Cope and Surpliſſe, the Tippet, the Hood, and the Canonicall Coat, the Pulpits clothed, eſpecially now of late, with the Jeſuites Badge upon them every way.

XV.

The ſtanding up at *Gloria Patri*, and at the reading the Goſpell,

Gospell, praying towards the East, the bowing at the name of JESVS, the bowing to the Altar towards the East, Crosse in Baptisme, the Kneeling at the Communion.

XVI.

The turning of the Communion Tables Altar-wise, setting Images, Crucifixes, and Conceits over them, and Tapers and Books upon them, and bowing, and adoring to or before them, the reading of the second Service at the Altar, and forcing people to come up thither to receive, or else denying the Sacrament to them, tearming the Altar to be the mercie-seat, or the place of God Almighty in the Church, which is a plaine device to usher in the Masse.

XVII.

The Christning and Consecrating of Churches and Chappells, the Consecrating Fonts, Pulpits, Tables, Chalices, Churchyards, and many other things, and putting holinesse in them; yea, reconsecrating upon pretended pollution, as though every thing were uncleane without their Consecrating, and for want of this sundry Churches have beene interdicted and kept from use as polluted.

XVIII.

The Liturgie for the most part's framed out of the Romish *Breviary Ritualium* Masse-book, also the book of Ordination, for Archbishops and Ministers, framed out of the Roman Pontificall.

XIX.

The multitude of Canons formerly made, wherein, among other things, Excommunication, *ipso facto* is denounced for speaking of a word against the devises above said, or subscription thereunto, though no Law enjoyned a restraint from the Ministry without such subscription, and Appeale is denied to any that should refuse subscription or unlawfull conformity,

formity, though he be never so much wronged by the inferiour Judge: also the Canons made in the late sacred Synod, as they call it, wherein are many strange and dangerous Devices to undermine the Gospel, and the Subjects liberties, to propagate Popery, to spoyle Gods people, insnare Ministers and other *Students*, and so to draw all into an absolute subjection and thraldome to them and their government, spoyling both the King and the Parliament of their power.

XX.

The countenancing plurality of Benefices, prohibiting of Marriages without their Lycence at certaine times, almost halfe the yeare, and lycensing of Marriages without Banes asking.

XXI.

Prophanation of the Lords day, pleading for it, and enjoyning Ministers to read a *Declaration*, set forth, as 'tis thought, by their procurement for tolerating of sports upon that day, suspending and depriving many godly Ministers, for not reading the same onely out of Conscience, it was against the Law of God so to doe, and no Law of the Land to enjoyne it.

XXII.

The pressing of the strict observation of Saints Dayes, whereby great summes of Moneyes are drawne out of Mens purses for working on them, a very high burthen on most people, who getting their living by their dayly imployments, must either omit them and be idle, or part with their money, whereby many poore families are undone, or brought behindhand, yea many *Church-wardens* are sued, or threatned to be sued by their troublesome Ministers, as perjured persons, for not presenting their Parishioners, who fayled in observing *Holy-dayes*.

XXIII.

The great encrease and frequencie of Whoredomes and

Adulteries, occasioned by the *Prelates* corrupt administration of Justice, in such Cases, who taking upon them the punishment of it, doe turne all into moneyes for the filling of their purses, and left their Officers should defraud them of their gaine, they have in their late Canon, in stead of remedying their vices, decreed that the *Commutation* of Pennance shall not be without the Bishops privity.

XXIV.

The generall abuse of that great ordinance of Excommunication, which God hath left in his Church to be used as the last and greatest punishment the Church can inflict upon obstinate and great Offenders, and that the Prelates and their Officers, who of right, have nothing to doe with it, doe daily excommunicate men either for doing that which is lawfull, or for vaine, idle, and triviall matters, as working or opening a shop on a Holiday, for not appearing at every beck upon their summons, not paying a fee or the like; yea, they have made it, as they doe all other things, a hook or instrument wherewith to empty mens purses, and to advance their owne greatnesse, and so that sacred ordinance of God, by their perverting of it, becomes contemptible to all men, and seldome or never used against notorious offenders, who, for the most part, are their favourites.

XXV.

Yea further, the pride and ambition of the *Prelates* being boundlesse, unwilling to be subject to either man or Lawes, they claime their Office and Jurisdiction to be *Iure divino*, exercise Ecclesiasticall authority in their owne names and Rights, and under their owne Seales, and take upon them Temporall dignities, Places and Offices in the Commonwealth, that they may sway both swords.

XXVI.

Whence followes the taking Commissions in their owne Courts

Courts and Consistories, and where else they sit in matters determinable of Right at Common Law, the putting of Ministers upon Parishes, without the Patrons & peoples consent.

XXVII.

The imposing of Oathes of various and triviall Articles yearely upon Church-wardens, and Side-men, which without perjury, unlesse they fall at jarres continually with their Ministers and Neighbours, and wholly neglect their owne calling.

XXVIII.

The exercising of the Oath *Ex Officio*, and other proceedings by way of *Inquisition* reaching even to mens thoughts, the apprehending, and detaining of men by *Pursivants*, the frequent suspending and depriving of Ministers, fining and imprisoning of all sorts of people, breaking up of mens Houses and Studies, taking away mens Books, Letters, and other writings, seizing upon their Estates, removing them from their callings, seperating betweene them and their wives against both their wills, the rejecting of prohibitions with threatnings, and the doing of many other out-rages, to the utter infringing the Lawes of the Realme, and the Subjects liberties, and arraigning of them and their Families, and of latter time, the Judges of the Land are so awed with the power and greatnesse of the Prelates, and other wayes promoted, that neither prohibition, *Habeas Corpus*, or any other lawfull remedy can be had, or take place, for the distressed Subjects in most Cases, onely *Papists*, *Iesuits*, *Priests*, and such others as propagate *Popery* or *Arminianisme*, are countenanced, spared, and have much liberty, *and from hence followed amongst others these dangerous Consequences.*

I.

FIrst, the generall hope and expectation of the *Romish* part, *that their superstitious Religion will ere long be fully planted in this Kingdome againe, and so they are encouraged to persist*

therein, and to practice the same openly in divers places, to the high dishonour of God, and contrary to the Lawes of the Realme.

II.

Secondly, the discouragement and destruction of all good Subjects, of whom all Multitudes both *Clothiers, Marchants,* and others, being deprived of their Ministers, and overburthen'd with these pressures, have departed the Kingdome to *Holland,* and other parts, and have drawn with them a great part of manufacture of *Cloth* and *Trading* out of the Land into other places, where they reside, whereby Wooll, the great staple of the Kingdome, is become of small value and vends not, Trading is decayed, many poore people want work, Sea-men lose imployment, and the whole Land much impoverished, to the great dishonour of this Kingdome, and blemishment to the government thereof.

III.

The present warres and Commotions happened betweene his Majesty and his Subjects of *Scotland,* wherein his Majesty and all his Kingdome are indangered, and suffer greatly, and are like to become a prey to the common Enemy, in case the warres goe on, which we exceedingly feare, will not onely goe on, but also encreate to an utter Ruine of all, unlesse the Prelates with their dependancies be removed out of *England,* and also they and their practices, who, as we, under your Honours favour, doe verily beleeve and conceive, have occasioned the Quarrell.

All which wee humbly referre to the consideration of this Honourable Assembly, desiring the Lord of Heaven to direct you in the right way to redresse all these evills.

FINIS.

The Resolution of the House of Commons touching the six Demands of the *Scots*, for restitution of their Losses *and Dammages.*

THis House thinks fit that a friendly Assistance and relieſe be given towards supply of the losses and necessities of the *Scots*, and in due time this House wil take consideration both of the manner and measure of it.

The Scottish Commissioners Answer to the resolution of the Parliament.

AS wee doe with all thankfulneſſe receive the friendly and kindly resolution of the Parliament concerning our Demands, wee doe therein acknowledge your Lordships noble dealing, for which we may assure that the whole Kingdome of *Scotland* will at all occasions expresse themselves on all respect and kindneſſe; so doe we entreat your Lordships to present unto the Parliament, our earneſt desire, that they may be pleased, howsoever their conveniencie may serve to consider of the proportion, wishing still that as wee expect from our friends the testimonies of their kindneſſe & friendly Assistance, so the Justice of the Parliament may be declared in making the burthen more sensible to the Prelates and

Papists our Enemies, and Authors of all our evills, then to others, who never have wronged us, which will not onely give unto us, and the whole Kingdome of *Scotland* the greater satisfaction, but will also (as wee can conceive) conduce much to the honour of the Kings Majestie, and Parliament. Wee doe also expect that your Lordships will be pleased to report unto us the Answer of the Parliament, that wee may in this as in the former Articles give Account to those who sent us.

The Peeres Demands upon the aforesaid Answer.

WEe desire to understand since (as we conceive) the particulars are like to require much time, whether we may not from you let the Parliament know, that whilest they are debating of the proportion, and the wayes how they finde assistance may be raised, you will proceed to the agreeing to the Articles of a firme and durable peace, that thereby both time may be saved, and both sides proceed mutually with the more cheerefulnesse and alacrity.

The Scottish Commissioners Answer to the Peeres Demands.

AS wee desire a firme Peace, so is it our desire that this Peace may be with all mutuall Alacrity speedily concluded; and therefore let's entreat you all to shew the Parliament from us, that how soon they shall be pleased to make the proportion knowne to us, that wee may satisfie the expectation of those who have instructed us, which wee doe conceive

conceive may be done in a ſhort time, ſince they are already acquainted with all the particulars of our Demands, wee ſhall ſtay no longer upon the manner and wayes of raiſing the aſſiſtance, which may require a longer time, and yet we truſt it will be with ſuch conveniencie as may ſerve for our two moneths reliefe, but remitting the manner and wayes to the oportunity of the Parliament, ſhall moſt willingly proceed to the conſiderations of the following Articles, eſpecially to that which wee moſt of all deſire, a firme and ſetled Peace.

26. Ian. 1640.

FINIS.

Articles of the Houſe of Commons in Parliament, againſt Secretary WINDEBANKE.

INprimis, *Seventy foure Letters of grace to Recuſants, within this foure yeares, ſigned with Secretary* Windebankes *owne hand.*

2 *Sixty foure Prieſts in the* Gate-houſe, *within this foure yeares diſcharged, for the moſt part, by Secretary* Windebanke.

3 *Twenty nine diſcharged by a verball warrant of Secretarie* Windebanke.

4 *A warrant to protect one* Muſſon, *a condemned Prieſt, and all the houſes he frequented.*

5 *One committed by the Kings owne hand, and diſcharged by Secretarie* Windebanke, *without ſignification of the Kings pleaſure therein.*

6 *A Petition of Saint* Giles *in the Fields, neere* London, *to the King, of the encreaſe of Popery in their Pariſh, wherein twenty one perſons were ſeduced and turned by two Prieſts, the which Prieſts were both diſcharged by Secretary* Windebanke.

Die Lunæ 21. *Decembris*. 1640.

A Speech made by *John* Lord *Finch*, Lord Keeper of the great Seale of *England*, in the Commons houſe of Parliament.

Maſter Speaker.

I Do firſt preſent my moſt humble thanks to this Honourable Aſſembly, for this favour vouchſafed me, in granting me admittance to their preſence, and doe humbly beſeech them to beleeve it is no deſire to preſerve my ſelfe or my fortune, but to deſerve the good opinions of thoſe that have drawne mee hither.

I do profeſſe in the preſence of him that knoweth all hearts, that I had rather go from dore to dore, and crave *Da obulum Belizario, &c.* with the good opinion of this Aſſembly, then live and enjoy all the honours and fortunes I am capable of.

I doe not come hither with an intention to juſtifie my words, my actions, or my opinions; but to make a plaine and cleare narration for my ſelfe, and then humbly to ſubmit to the wiſedome and juſtice of this Houſe my ſelfe, and all that concernes me.

I doe well underſtand (*Maſter Speaker*) with what diſadvantage any man can ſpeake in his owne cauſe, and if I could have told how to have tranſmitted my thoughts and actions by a clearer repreſentation of another (I doe ſo much

 deſie

defe my owne judgement in working, and my wayes in expreſſing) that I ſhould have beene a moſt humble ſuiter, another might have done it. But this Houſe wil not take words, but with cleare and ingennous dealing, and therefore I ſhall beſeech them to think I come not hither with a ſet or ſtudied Speech, I come to ſpeake my heart, and to ſpeake it clearely and plainely, and then leave it to your clemencie and Juſtice, and I hope if any thing ſhall ſlip from me, to work contrary to my meaning, or intention, diſorderly or ill placed, you will be pleaſed to make a favourable conſtruction, and leave me the liberty of explanation, if there ſhall be any, but I hope there ſhall be no cauſe for it.

I hope for my affection in Religion no man doubteth me, what my education, what and under whom for many yeares, is well knowne; I lived neere 30 yeares in the Society of *Grayes Inn:* and if one that was a reverend Preacher in my time (Doctor *Sibbs*) were now alive, hee were able to give teſtimony to this Houſe, that when a party ill affected in Religion ſought to weary him, and tyer him out, hee had his chiefeſt encouragement from me.

I have now (*Maſter Speaker*) been 15 yeares of the Kings Councell, from the firſt houre to this minute, no man is able to ſay that ever I was Author, Adviſor, or Conſentor to any project.

It pleaſed the King (my gracious Maſter) after I had ſerved him divers yeares to preferre mee to two places; to be chiefe Juſtice of the Common Pleas, and then Keeper of his great Seale, I ſay it in the preſence of God, I was ſo far from the thought of the one, and from the ambition of the other, that if my Maſter his grace and goodneſſe had not been, I had never enjoyed thoſe Honours.

I cannot tell (*Maſter Speaker*) nor I doe not know what particulars there are that may draw me into your diſfavour or ill opinion, and therefore I ſhall come very weakly armed, yet to thoſe that either in my owne knowledge, or by ſuch knowledge as is given me, and not from any in this Houſe, I ſhall ſpeake ſomewhat, that I hope being truth, and accompanied

panied with clearenesse and ingenuity, will at last procure some allay of that ill opinion which may perhaps be conceived of me.

Master Speaker, I had once the Honour to sit in the place that you doe: from the first time I came thither, to the unfortunate time, I doe appeale to all that were here then, if I served you not with candor. Ill office I never did to any of the House, good offices I have witnesses enough I did many, I was so happy that upon an occasion which once happened, I received an expression and testimony of the good affection of this House towards me.

For the last unhappy day I had a great share in the unhappinesse and sorrow of it. I hope there are enough doe remember, no man within the walls of this House did expresse more symptomes of sorrow, griefe, and distraction then I did.

After an adjournment for two or three dayes, it pleased his Majestie to send for me, to let me know that he could not so resolve of things as hee desired, and therefore was desirous that there might be an adjournment for some few dayes more. I protest I did not then discerne in his Majestie, and I beleeve it was not in his thoughts to think of the dissolving of this Assembly, but was pleased in the first place to give me a command to deliver his pleasure to the House for an adjournment for some few dayes, till the Monday following, as I remember, and commanded me withall to deliver his pleasure, that there should be no further speeches, but forthwith upon the delivery of the Message come and wait upon him: hee likewise commanded me if questions were offered to be put, upon my Alleageance I should not dare to doe it, how much I did then in all humblenesse reason with his Majestie, is not for me here to speake; onely thus much let me say, I was no Author of any counsell in it, I was onely a person in receiving commission. I speake not this as any thing I now produce or doe invent, or take up for my owne excuse, but that Which is knowne to divers, and some Honourable persons in this house to be most true. All that I will say for that is humbly to beseech you all to consider, That if it had beene

any mans cauſe as it was mine, betweene the diſpleaſure of a gracious King, and the ill opinion of an Honourable Aſſembly. I beſeech you lay all together, lay my firſt actions and behaviour with the laſt, I ſhall ſubmit to your Honourable and favourable conſtructions.

For the Shipping buſineſſe, my opinion of that cauſe hath layne heavy upon me, I ſhall clearely and truly preſent unto you what every thing is, with this proteſtation, that if in reckoning up my owne opinion what I was of, or what I delivered, any thing of it be diſpleaſing, or cõtrary to the opinion of this Houſe, that I am farre from juſtifying of it, but ſubmit that and all other my actions to your wiſedomes and goodneſſe.

Maſter Speaker, the firſt Writs that were ſent out about Shipping buſineſſe, I had no more knowledge of it, and was as ignorant as any one Member of this Houſe, or any man in the Kingdome. I was never the Author nor Adviſor of it, and will boldly ſay from the firſt to this houre, I did never adviſe nor counſell the ſetting forth of any Ship-writs in my life.

Maſter Speaker, it is true that I was made chiefe Juſtice of the Common Pleas ſome foure dayes before the Ship-writs went out to the Ports and Maritine places, as I doe remember the 20 of *October* 1634. they doe beare Teſte, and I was ſworne Juſtice the 16 of *October*, ſo as they went out in that time, but without my knowledge or privity, the God of heaven knowes this to be true.

Maſter Speaker, afterwards his Majeſtie was pleaſed to command my Lord chiefe Juſtice of the Kings Bench, that then was, Sir *Thomas Richardſon*, and chiefe Baron of the Exchequer that now is, and my ſelfe then chiefe Juſtice of the Common Pleas, to take into conſideration the Preſidents then brought unto us, which we did, and after returned to his Majeſtie what we had found out of thoſe Preſidents.

It is true, that afterwards his Majeſtie did take into conſideration, that if the whole Kingdome were concerned, that it was not reaſon to lay the whole burthen upon the Cinque Ports and Maritine Townes.

There-

Thereupon, upon what ground his Majesty took that into his consideration, I doe confesse I doe know nothing of it.

His Majesty did command my Lord chief Justice that now is, my Lord chiefe Baron, and my selfe, to returne our opinions; whether, when the whole Kingdome is in danger, and the Kingdome in generall is concerned, it be not according to Law and reason, that the whole Kingdome, and his Majestie, and all interessed therein, should joyne in defending and preserving thereof.

This was in time, about one 1634.

In Michaelmas Terme following, his Majesty commanded me to goe to all the Judges, and require their opinions in particular.

He commanded mee to doe it to every one, and to charge them upon their duty and allegiance, to keepe it secret.

Master Speaker, it was never intended by his Majesty (so professed by him) at that time, and so declared to all the Judges, that it was not required by him, to be such a binding opinion to the Subject, as to hinder him from calling it in question, nor to be binding to themselves, but that upon better reason, and advise they may alter it; but desired their opinions, for his owne private reason.

I know very well, that extrajudiciall opinions of Judges ought not to be binding.

But I did think, and speake my heart and conscience freely; my selfe, and the rest of the Judges being sworne, and by our Oaths tyed to counsell the King when he should require advise of us, that we were bound by our oaths and duties to returne our opinions.

I did obey his Majesties command, and doe here before the God of heaven avow it.

I did never use the least promise of preferment or reward to any, nor did use the least menacy; I did leave it freely to their owne consciences and liberty; for I was left the liberty of my owne by his Majesty, and had reason to leave them the liberty of their owne consciences.

And I beseech you be pleased to have some beliefe, that I

would not ſay this, but that I know the God of heaven will make it appeare; and I beſeech you that extravagant ſpeeches may not move againſt that which is a poſitive and cleare truth.

Maſter Speaker, in the diſcourſe of this (as is betweene Judges, ſome ſmall diſcourſes ſometimes) yet never any cauſe wherein any Judges conferred, that were ſo little conference as between me and them.

Maſter Speaker, againſt a Negative, I can ſay nothing, but I ſhall affirme nothing unto you, but by the grace of God, as I affirme it to be true, ſo I make no doubt of making it appeare to be ſo.

This opinion was ſubſcribed without Solicitation, there was not any man of us did make any doubt of ſubſcribing our opinion, but two, Maſter Juſtice *Hutton*, and Maſter Iuſtice *Crooke*.

Maſter Iuſtice *Crooke* made not a ſcruple of the thing, but of the introduction, for it was thus:

That whereas the Ports & the Maritine Towns were concerned; there according to the Preſidents in former times, the charge lay on them.

So when the Kingdome was in danger, of which his Majeſty was the ſole Iudge; whether it was not agreeable to Law and reaſon, the whole Kingdome to beare the charge;

I left this caſe with Iudge *Crooke*.

The next Terme I ſpake with him, hee could give me no reſolution, becauſe hee had not ſeene the Writs in former times, but did give his opinion, that when the whole Kingdome was in danger, they of the defence ought to be borne by all.

So of that opinion of his, there was no need of a Solicitation.

I ſpeake no more here, than I did openly in my argument in the Chequer Chamber.

This is the naked truth: for Maſter Iuſtice *Hutton*, he did never ſubſcribe at all.

I will onely ſay this, that I was ſo farre from preſſing him

him to give his opinion, becauſe he did ask time to conſider of it, that I will boldly ſay, and make it good, that when his Majeſty would have had him ſometimes ſent for, to give his opinion, I beſeeched his Majeſty to leave him to himſelfe and his conſcience; and that was the ill office I did.

The Iudges did ſubſcribe in *November* or *December*, 1635.

I had no conference (nor truly I think) by accident any diſcourſe with any of the Iudges touching their opinions; for till *February* 1636, there was no ſpeech of it, for when they had delivered their opinions, I did returne according to my duty to my Maſter the King, and delivered them to him: in whoſe cuſtody they be in.

In *February* 1636, upon a command that came from his Majeſty, by one of the then Secretaries of State, the Iudges all aſſembled in *Grayes-Inn*, we did then fall into a debate of the caſe then ſent unto us, and wee did then returne our opinion unto his Majeſty; there was then much diſcourſe and great debate about it.

Mine opinion and conſcience at that time was agreeable to that opinion *I* then delivered.

I did uſe the beſt arguments *I* could, for the maintainance of my opinion; and that was all *I* did.

It is true that then at that time, Maſter *Iuſtice Hutton*, and Maſter *Iuſtice Crooke*, did not differ in the maine point, which was this;

When the Kingdome was in danger, the charge ought to be borne by the whole Kingdome.

But in this point, whether the King was the ſole *Iudge* of the danger? they differed.

So as there was betweene the firſt ſubſcription, and this debate, and conſultation, ſome 15 moneths difference.

It is true, that all of them did then ſubſcribe, both *Iuſtice Hutton*, and *Iuſtice Crooke*, which was returned to his Majeſtie, and after publiſhed by my Lord Keeper (my predeceſſour) in the Star-chamber.

For the manner of publiſhing it *I* will ſay nothing, but leave

leave it to thoſe, whoſe memories wil call to mind what was then done.

The reaſon of the ſubſcription of *Iuſtice Hutton*, and *Iuſtice Crooke*, (though they differed in opinion) grew from this that was told them, from the reſt of the *Iudges*,

That where the greater number did agree in their vote, the reſt were involved and included.

And now *I* have faithfully delivered, what *I* did in that buſineſſe, till *I* came (which was afterwards) to my argument in the Exchequer Chamber, for the queſtion was, *A ſcire facias* iſſued out of the Exchequer, in that caſe of Maſter *Hampdens*; of which *I* can ſay nothing, for it was there begun, and afterwards rejourned, to have advice of all the *Iudges*.

Maſter Speaker, among the reſt (according to my duty) *I* argued the caſe.

I ſhall not trouble you, to tell you what my argument was, I preſume there are Copies enough of it; onely I will tell you there are foure things, very briefly, what I then declared.

Firſt, concerning the matter of danger, and neceſſity of the whole Kingdome.

I profeſſe that there was never a Judge in the Kingdome did deliver an opinion, but that it muſt be in a caſe of apparant danger.

When we came to an argument of the caſe, it was not upon a matter or iſſue, but it was upon a demurrer.

Whether the danger was ſufficiently admitted in pleading, and therefore was not the thing that was in diſpute, that was the firſt degree and ſtep that led unto it.

I did deliver my ſelfe as free and as cleare as any man did, that the King ought to governe by the poſitive Lawes of the Kingdome, that hee could not alter nor change, nor innovate in matters of Law, but by common conſent in Parliament.

I did further deliver, that if this were uſed to make a further revenue or benefit to the King, or in any other way but in caſe of neceſſity, and for the preſervation of the Kingdome,

dome, The judgement did warrant no such thing:

My opinion in this businesse, I did in my conclusion of my argument submit to the judgement of this House.

I never delivered my opinion, that mony ought to be raised, but Ships provided for the defence of this Kingdome, and in that the Writ was performed.

And that the charge ought not to be in any case, but where the whole Kingdome was in danger.

And Master Justice *Hutton*, and Master Iustice *Crooke*, were of the same opinion with me.

I doe humbly submit, having related unto you my whole carriage in this businesse, humbly submitting my selfe to your grave and favourable censures, beseeching you not to think that I delivered these things with the least intention to subvert or subject the common Law of the Kingdome, or to bring in, or to introduce any new way of government, it hath bin farre from my thoughts, as any thing under the heavens.

Master Speaker, I have heard too that there hath bin some ill opinion conceived of me about Forrest businesse, which was a thing farre out of the way of my study, as any thing I know towards the Law.

But it pleased his Majesty, in the sickness of Master *Noy*, to give some short warning to prepare my selfe for that imployment.

When I came there, I did both the King and Common-wealth acceptable service, for I did and dare be bold to say, with extreame danger to my selfe and fortune, (some doe understand my meaning herein) run through that businesse, and left the Forrest as much as was there.

A thing in my judgement considerable for the advantage of the Common-wealth, as could be undertaken.

When I went downe about that imployment, I satisfied my selfe about the matter of perambulation.

There were great difficulties of opinions, what perambulation was.

I did arme my selfe as well as I could, before I did any thing in it,

I did acquaint those that were then Iudges, in the presence of the noble Lords, with such objections as *I* thought it my duty to offer unto them.

If they thought they were not objections of such waight, as were fit to stirre them, *I* would not doe the King that disservice.

They thought the objections had such answers as might well induce the like upon a conference with the whole Country, admitting mee to come and conferre with them, the Country did unanimously subscribe.

It fell out afterwards, that the King commanded me, and all this before *I* was chiefe Iustice, to goe into *Essex*, and did then tell me he had beene enformed, that the bounds of the Forrest were narrower, then in truth they ought to be; and *I* did according to his command.

I will here professe that which is knowne to many, *I* had no thought or intention of enlarging the bounds of the Forrest, further then *H.* and that part about it, for which there was a perambulation about 26 *Edward* 4.

I desired the Country to confer with me about it, if they were pleased to doe it; and then according to my duty, *I* did produce those Records which *I* thought fit for his Majesties service, leaving them to discharge themselves as by Law and Justice they might doe.

I did never in the least kind, goe about to overthrow the charter of the Forrest.

And did publish and maintaine *Charta de Foresta*, as a sacred thing, and no man to violate it, and ought to be preserved for the King and Common-wealth.

I doe in this humbly submit, and what *I* have done, to the goodnesse and Justice of this House.

FINIS.

Mr. *Herbotle Grimſtones* ſecond Speech in Parliament the 18. of December. 1640.

Maſter Speaker.

THere hath been preſented to the houſe a moſt faithfull and exact report of the conference wee had with the Lords yeſterday, together with the opinion of the Committees that we imployed in the ſervice, that they conceaved it fit, that the Archbiſhop of *Canterbury* ſhould be ſequeſtred, and I muſt ſecond the motion. And with the favour of this Houſe, I ſhall be bold to offer my reaſons, why I conceive it more neceſſary wee ſhould proceed a little further then the deſire of a bare ſequeſtration onely.

Maſter Speaker, long Introductions are not ſuitable to waighty buſineſſes: wee are now fallen upon the great man, the Archbiſhop of *Canterbury*, looke upon him as hee is in highneſſe, and he is the Stye of all peſtilentiall filth, that hath infected the State and Government of this Common-wealth: Looke upon him in his dependances, and he is the man, the onely man that hath raiſed and advanced all thoſe, that together with himſelfe have beene the Authors and Cauſers of all our ruines, miſeries, and calamities wee now groane under. Who is it but he only that hath brought the Earle of *Strafford*

to all his great places and imployments; a fit ſpirit and inſtrument to act and execute all his wicked and bloudy Deſignes in theſe Kingdomes.

Who is it but hee onely that brought in Secretary *Windibank* into this place of ſervice of truſt, the very Broker and Pander to the Whore of *Babylon*.

Who is it *Maſter Speaker*, but hee onely that hath advanced all our Popiſh Biſhops, I ſhall name but ſome of them, Biſhop *Manering*, the Biſhop of *Bath and Wells*, the Biſhop of *Oxford*, and Biſhop *Wren*, the leaſt of all theſe birds, but one of the moſt uncleane ones. Theſe are the men that ſhould have fed Chriſts Flock, but they are the Wolfes that have devoured them; the Sheepe ſhould have fed upon the Mountaines, but the Mountaines have eaten up the Sheepe. It was the happineſſe of our Church, when the Zeale of Gods houſe eat up the Biſhops, glorious and brave Martyrs, that went to the Stake in defence of the Proteſtant Religion: but the Zeale of the Biſhops hath beene onely to perſecute and eat up the Church.

Who is it *Maſter Speaker* but this great Archbiſhop of *Canterbury*, that hath ſitten at the helme, to ſteere and to mannage all the projects that have beene ſet on foot in this Kingdome this tenne yeares laſt paſt: and rather then hee would ſtand out, he hath moſt unworthily trucked and chafered in the meaneſt of them; as for inſtance, that of Tobacco, wherein thouſands of poore people have beene ſtripped and turned out of their Trades, for which they have ſerved as Apprentizes: wee all know he was the Compounder and Contracter with them for the Licences, putting them to pay Fines, and a fee Farme rent to uſe their Trade certainly. *Maſter Speaker*, hee might have ſpent his time much better, and more for his Grace in the Pulpit, then thus ſherking and raking in the Tobacco-ſhops. *Maſter Speaker*, we all know what

what he hath been charged withall here in this house, crimes of a dangerous consequence, and of a transcendent nature, no lesse then the subversion of the Government of this Kingdome, and the alteration of the Protestant Religion: and this is not upon bare information onely, but much of it is come before us already upon cleare and manifest proofes, and there is scarce any grievance or complaint come before us in this Place, wherein we do not find him intermentioned, and as it were twisted into it, like a busie angry Waspe, his sting is in the tayle of every thing, wee have likewise this day heard the report of the conference yesterday, and in it the accusation which the *Scottish* Nation hath charged him withall, and we doe all know he is guilty of the same, if not more here in this Kingdome.

Master Speaker, hee hath beene the great and common enemie of all goodnesse, and good men, and it is not safe that such a Viper should be neare his Majesties person, to distill his poyson into his sacred eares, nor is it safe for the Common-wealth, that he sit in so eminent a place of government being thus accused; wee know what we did in the Earle of *Straffords* case: this man is the corrupt fountaine that hath infected all the streames, and till the Fountaine be purged, we can never expect or hope to have cleare channels, I shall be therefore bold to offer my opinion, and if I erre, it is the error of my judgement, and not my want of zeale and affection to the publique good. I conceive it is most necessary and fit, that we should now take up a resolution to doe somwhat, to strike while the iron is hot, and to goe up to the Lords in the names of the Commons of this House, and in the names of the Commons of *England*, and to accuse him of high Treason, and to desire their Lordships his person may be sequestred, and that in convenient time wee may bring up his charge.

FINIS.

A Meſſage ſent from the Queenes Majeſtie to the Houſe of Commons by Mr. Comptroller.

5°. *Febr.* 1640.

THat her Majeſtie hath beene ready to uſe her beſt endeavours for the removing of all miſunderſtanding between the King and people.

That at the requeſt of the Lords, who petitioned the King for a Parliament, her Majeſtie at that time writ effectually to the King, and ſent a Gentleman expreſly to perſwade the King to the holding of a Parliament.

That ſhee hath ſince beene moſt willing to doe all good Offices betweene the King and his People, which is not unknowne to divers of the Lords, and ſo ſhall ever continue to doe, as judging it the onely way of happineſſe to the King, her ſelfe, and Kingdome,

That all things be juſtly ſetled betweene the King and his people, and all cauſe of miſunderſtanding taken away and removed.

That her Majeſtie having taken a knowledge, that having one ſent to her from the Pope, is diſtaſtfull to this Kingdome, She is deſirous to give ſatisfaction to the Parliament, which in convenient time ſhee will doe, and remove him out of the Kingdome.

That underſtanding likewiſe that Exception had beene taken to the great reſort to the Chappell of *Denmark* Houſe, ſhee will be carefull not to exceed that which is convenient and neceſſary for the Exerciſe of her Religion.

Shee further taketh notice, that the Parliament is not ſatisfied

tisfied with the manner of raiſing mony, for the aſſiſtance of the King in his Journey to the North, in the yeare 1639, at her entreaty from the Catholiques. Shee was moved thereunto meerely out of her deere and tender affection to the King, and of the Example of other his Majeſties Subjects, She ſeeing the like forwardneſſe, ſhee could not but expreſſe her forwardneſſe to the aſſiſtance of the King.

If any thing be illegall, ſhee was ignorant of the Law, and was carried therein onely out of a great deſire to be aſſiſting to the King in ſo preſſing an occaſion, but promiſeth to be more cautious hereafter, not to doe any thing, but may ſtand with the eſtabliſhed Lawes of the Kingdome.

Her Majeſtie being deſirous to imploy her whole power to unite the King and people, deſireth the Parliament to looke forwards, and paſſe by ſuch miſtakes and errors of her Servants, as may be formerly committed. And this your reſpect ſhee promiſeth, ſhall be repayed with all the good Offices ſhee can doe to the Houſe, which you ſhall finde with reall effects, as often as there ſhall be occaſion.

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FINIS.

The Report of the Kings Message by the Lords to the House of Commons.

January 25. 1640.

THat the occasion of his Majesties taking knowledge of the Conviction of *John Goodman* the Priest lately reprived, was upon the constant order that hath beene taken for divers yeares, that the Recorder hath at the end of every Sessions attended his Majestie with the names of the persons convicted, with an expression of their offences, to the end that his Majestie might be truly enformed of the Natures of their Crimes, and consequently not to be enduced by information, to reprive such as were fit for grace and mercy: And thereupon that he was lately Condemned for being in order of a Priest meerely, and was acquited of the Charge of perverting the Kings people in their beliefe, and had never beene Condemned or Banished before, His Majestie is tender in matter of blood in Cases of this nature, In which Queene *Elizabeth* and King *James* have beene often mercifull: but to secure his people that this man shall doe no more hurt, Hee is willing that he be imprisoned or banished as their Lordships shall advise. And if he returne into the Kingdome, to be put to Execution without delay. And Hee will take such fit course for the expulsion of other Priests and Jesuites, as Hee shall be councelled unto by your Lordships, And that Hee doth not intend by this particular Mercie, to lessen the force of the Lawes.

FINIS.

SIR THOMAS ROE his Speech in Parliament, 1640.



IT is a generall opinion that the trade of *England* was never greater; and it may be true, that if it be so, yet it will not absolutely conclude that the Kingdome doth increase in riches: for the Trade may by very aboundant, and yet, by consumption and importance of more then is expected, the stocke may waste.

The Ballance would be a true solution of the Question, if it could be rightly had: but by reason it must be made up by a *Medium* of the Books of Rates, it will be very uncertaine.

Therefore we must seeke another rule that is more sensible, upon which wee may all judge, and that may be by the plenty or scarcity of money; for it is a true rule, If money increase, the Kingdome doth gaine by Trade; if it be scarce, it loseth.

Let us therefore consider, first, whether our Gold and Silver be not decreased, and then by what meanes it is drayned, and lastly, how it may be prevented, and what Remedies are appliable to effect it.

It is out of doubt our Gold is gone to travaile without Licence, that is visible beyond Seas, and every re-

ceiver of ſummes of money muſt find it privately: and I feare the ſame of Silver; for, obſerving the ſpecies of late Coyning, many halfe Crownes were ſtamped which are no more to be ſeene; and by this meaſure I conclude the Kingdome growes poore.

The cauſes of this decay of Money may be many; It may be ſtolne out for profit, going much higher beyond Seas, eſpecially in *France* and *Holland*.

Much hath been drawn away by the Stranger upon feares of our Troubles, of which I have experience by Exchanges, and Exchanges are the great myſtery eſpecially ſuch as are uſed as a Trade, and governed by Bankers, who make many returnes in a yeare, and gaine by every one more then the intereſt of a yeare; and the greateſt danger to a State is, *when money is made Merchandize, which ſhould be but the meaſure thereof.*

And here I will propoſe a Probleme, Whether it were profitable to a Kingdome or not, that the Stranger for many yeares had a great ſtock here at intereſt, and ſtill hath ſome. I confeſſe it hath ſupplyed the neceſſities of Merchants, and helped to drive Trade: But my *Quære* is this, Suppoſe the firſt principall were truely brought in by the Stranger, yet, doubling every tenne yeares, what becomes of the increaſe? Have they not lived by our Trade and the Merchant-adventurers, and ſoaked the Kingdome of as many times principall as they have practiſed this Uſury many times ten yeares, and in the end drawne or carried all away? This is a point to a State very conſiderable.

Much Coyne hath beene drawne away without doubt by the *French*; who have brought in Wares of little bulke, perhaps without cuſtome, but of deare price, and having turned them into Gold, have returned without inveſting any part thereof; and ſuch petty Merchants cannot bee reached by the Statute of imployments.

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Another cause of scarcity of Coine may be the over strict rule of the uncurrentnesse of any good Coine, and that it must bee sold here as bullion: in that case what Stranger will bring in money? *Whereas, if every good species were current according to his allay and weight in proportion to our Coyne, or rather a little higher, it would draw (namely) money by degrees into England, as lower grounds doe water from higher, though they see not the Channels. And wee see France, Holland, and Germany, admit all good Coynes, though forraigne, for and above their intrinsique value.*

But I will end this search by proposing some generall Remedies, for I doe now but make Essayes and give occasion to more subtill and particular disquisition.

1. *To the first leake of stealing away Coyne, I would make it felony by an Act: for if a man may justly suffer death for robbing of a private man, I see no injustice nor cruelty to inflict the same punishment upon him that robs a Kingdome.*

2. *That the neighbour Princes and States doe cry up our money, and so entice it from us, This in my judgement ought to be provided for by our Treaties, which was the old way, especially of Commerce; by agreeing and publishing of Placarts according to a true Par: For that Prince that will make a treatie of Commerce, doth it for the use of the commoditie; which certainly I would deny any Prince that would not consent to keep moneyes even by their true values, at least, that would set a higher price upon our money then the King hath done: And if our Coyne did either keep beyond the Seas the English value, or were bullion and uncurrent, the stranger should have as little of our money, as we have of theirs.*

How to recover the strangers money, drawne away since our troubles, is a hard endeavour, and can no wayes be brought to passe but by peace and Trade: and

the resolution of this will fall into the generall remedy which I shall propose.

The pedling *French* Trade must bee met with by diligent search at the landing of these *Creamers*, what they bring in, and by suffering none of them to passe any goods by private Warrants: but that according as they shall be valued, they give bond to invest it in *English* Commoditie, naturall, or naturalized, and that with surety: *Nay in this Case not to allow them exchange by bills; for it will not hurt the Common-wealth if by any rigour they were beaten out of their private toyish traffique.*

I shall not doubt to offend any but the Mint, which may be recompenced to his Majesty in his customes, if money bee plentifull; for all goods will follow money. If I did propose the current nesse of all goods, and great species of forraigne Coins, for their true intrinsique value, according to the pay with ours, and if I say a little higher, according to occasions, keeping our owne Coine pure and constant to bee cryed downe as much under according to occasions, I thinke it will bee a policy both reasonable and profitable, by experience tryed in other States.

But leaving these Empiricall practises, I come now to the great and infallible Rule and Remedy, which is, in plaine English, to settle and assure the ground of Trade upon staple Commodities; then, like the Lady of *Whitsontide* to her Pipe, money will dance after that; for as Merchandize doth follow money, so doth money Commodity.

I said at first, it was a generall opinion, that Trade never flourished more then now, and it may be so; but wee must consider this be not accidentall and changeable, and depending more upon the iniquity or misery of the times, then upon our owne Foundation and industry; and if that bee so, then it is no sure ground for

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a ſtate to rely upon; for if the cauſes change, the effects will follow.

Now it is true, that our great Trade depends upon the troubles of our Neighbours, and wee enjoy almoſt the Trade of Chriſtendome; but if a peace happen betwixt *France*, *Spaine*, and the united Provinces, all theſe will ſhare what wee now poſſeſſe alone, and therefore wee muſt provide for that day; for nothing ſtands ſecure but upon his owne foundation.

To make then our owne Trade ſecure, wee muſt conſider our own ſtaple commodities whereof Wooll is the chiefeſt, and ſeeke the way to both, to keepe up the price at home, and the eſtimation of all commodity made of that, and to be vented abroad.

Some other helpes we have, as Tynne Lead, and ſuch like; but I dare confidently affirme, *That nothing exported of our owne growth hath ballanced our Riotous conſumption at home, but thoſe forraigne commodities, which I call naturalized, that is, that ſurplus of our Eaſt-India Trade, which being brought home in greater quantity then are ſpent within the Kingdome, are exported againe, and become in value and uſe as naturall commodities: and therfore, by the way, I hold it abſolutely neceſſary to maintaine that Trade by a Regulation with the Dutch; of which more reaſon ſhall be given, when that particular ſhall be taken into conſideration.*

We have yet another great helpe which is our owne, and wants onely our induſtry to gather the harveſt, which is our Fiſhing and erecting of Buſſes both for the enriching of our Kingdome, and the breeding of Mariners; *and this by private induſtry (though to private loſſe) is beaten out ready, and ſhall bee offered to the Commonwealth, if they pleaſe to accept of it: and to give you one onely encouragement, I doe avow that before the* Dutch *were lately interrupted by the* Dunkerks, *by their induſtry, and our fiſh, they made as great Returnes betweene* Danſick *and* Naples *as the value of our Cloth, which is one million yeare-*

ly: and this in a due place I desire should have his due weight and consideration.

We have one helpe more, if we knew how to use it, *that is, by the new drained Lands in the Fens, most fit for Flax and Hempe, to make all sorts of Linnen for the body, for the house, and sayles for ships, that is a* Dutch *and* French *Trade; but in* Holland *one Acre of Ground is rented at three pounds, which if the* Hollanders *may have in the Fens for* 10. s. *or* 12. s. *it will bee easie to draw the manufacture into England, which will set infinite people a-worke, and we may be able to serve other Nations with that which we buy deare from them*, and then the state and Kingdome will be happy and rich, when the Kings customes shall dependupon commodities exported, and those able to returne all things which wee want; and then our money must stay within our Kingdome, and all the trade returne in money. To incourage you to this, I give you one Example,

That, if the severall sorts of *Callicoes*, made of *Cotton-Woolls* in the *Moguls* and *Dans* Dominions, doth cloathe from head to foot all *Asia*, a part of *Europe*, *Ægypt*, much of *Africa*, and the *Easterne Islands* as farre as *Sumatra*, which makes that Prince without Mines the richest Prince in the world; by his Majesties Grace and Priviledges granted to the *Dutch*, I am confident wee may make an undersell in all Linnen cloath in all the Nations in *Europe*.

But I have now wandred far from my Theme, which was the decay of Trade and of Woollen commodity.

I must first therefore present to your consideration the causes thereof in my observations; whereof some are internall, and some externall.

The internall have proceeded from her owne false making, as stretching, and such like practises, whereby indeed our Cloath is discredited: I speake by experience,

rience, from *Dantzick* and *Holland*, Northward, to *Constantinople*; as I will instance in due time.

This false Lucre of our owne, and the interruption in the dying and dressing (projected and not overcome) gave the first wound, though, could it have been compassed, it had doubled the value of our Commodity.

This hath caused the *Dutch*, *Silesians* and *Venetians* to attempt the making of Cloath, and now, by experience (as I am informed) *the halfe is not vented, that was in the former Age.*

Another internall cause hath risen from such Impositions, as hath made our cloth too deare abroad, and consequently taught others to provide for themselves.

Another internall cause hath sprung from pressuries upon tender Consciences, that many of our Clothiers and others have forsaken the Kingdome, and carried their Arts with them, to the unexpressible detriment of the Commonwealth.

The externall causes have beene the want of perfection, and countenance to our Merchants established abroad in Factories by the State and by the Treaties, whereby the Capitulations have not beene kept nor assured unto them, neither in *Prussia*, nor in the *Sound*, nor *Hamburgh*, nor *Holland*, nor in the East: And this I dare say, *that Laban never changed Jacobs wages, so often as the Hollanders have forced our Merchants to change their residences*, and the very course of this Trade by Lawes and Tricks for their own advantage; of which the Merchant-adventurers will more fully informe you.

Another externall cause is lamentable, *Report, the increase of the Pyrates, and the insecurity of the Mediterranean Seas; whereby Bristow and the Westerne Ports, that cannot have so great shipping as* London, are beaten out of Trade and fishing: and if once those Theeves shall find

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the way to Banke and new-found Land, they will undoe the Weſt parts of *England*.

I will trouble you with a Conſideration very conſiderable in our Government, Whether indeed *London* doth not monopolize all Trade. In my opinion it is no good ſtate of a body to have a fat Head, thin Guts, and leane Members.

But to bring ſomething before you of Remedy. I ſay thus for my firſt ground, That if our Cloth be not vented as in former yeares, let us imbrace ſome other way to ſpend and vent our Wools. Cloth is a heavy and hot wearing, and ſerves but one cold corner of the World: But if we imbrace the new Draperies, and encourage the Wallons and others, by Priviledges and Naturalizations, wee ſhall imploy all the wooll wee have, ſet more people a worke then by Cloth, and a pound of wooll in thoſe ſtuffes true made, will out-ſell two pounds in Cloth. *And thus wee may ſupply France, Italy, Spain, Barbary, and ſome parts of Aſia, by ſuch light and fine ſtuffes as will fit thoſe warmer Regions, and yet have ſufficient for the cold Clymates to be ſpent and adventured in true made Cloth; by the reputation both of our Nation and commodity.*

But in this courſe, I muſt obſerve, that theſe ſtrangers ſo fit to be nouriſhed, and being Proteſtants, may have priviledges to uſe their owne rights in Religion, ſo as they be not ſcandalous, as the Dutch and French had granted unto them by Queen *Elizabeth*. And certainly the ſetling of Religion ſecure in *England*, the feare whereof made many weake minds to waver and abandon this Countrey, is, and will be a great meanes to reſettle both the great and leſſer manufactures of woollen commodities.

For the externall cauſes, wee muſt flye to the Sanctuary of his Majeſties gracious goodneſſe and protection, who, I am confident, when the whole buſi-

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neſſe ſhall be prepared for him, and that we have ſhewed him our duty and love, and ſettled his cuſtoms in ſuch a bountifull way as hee may reape his part of the fruit of Trade; I am confident, I ſay, that he will vouchſafe you all favour fit to be conferred upon good Subjects, and not onely protect you abroad by his forces and authority, and by treaties with his neighbours, but by increaſing the priviledges of Merchants at home, and confirming all their Charters; the breach whereof hath beene a great diſcouragement unto them, and without which duely obſerved, they cannot regulate their Trade.

There are ſome particulars in the *Spaniſh* Trade, perhaps worthy of animadverſion, as under-ſelling good commodity to make money, or barter for Tobacco, to the imbaſement of our owne Staple for Smoake, which in a due place ought to bee taken into Regulation.

Another conſideration for a ground of Trade, ought to be the nature of it, with whom, and for what wee trade, and which Trade is more principally to bee nouriſhed, which, out of doubt, are the *Northern* Trades, which are the root of all other, becauſe the materials brought from thoſe parts, as from *Wx*, *Muſcove*, *Norway*, *Pruſſia*, and *Livonia*, are fundamentall and of abſolute neceſsity; for from theſe Trades we get the materials of Shipping, as Pitch, Tarre, Cordage, Maſts, and ſuch like, which inable us to all the *Southerne* Trades of themſelves, of leſſe uſe, being onely Wine, Fruit, Oranges and Curioſities for Sauces or effeminacy; but by theſe, we ſayle to the Eaſt-Indies, and may erect a Company of the Weſt-Indies, for the golden fleece, which ſhall bee prepared for you, whenſoever you are ready for ſo great a Conſultation.

The right way to nouriſh theſe *Northerne* Trades, is

by his Majesties favour to presse the King of *Denmarke* to Justice, not to come as his intolerable Taxes newly imposed upon Trade in the passage of the *Sound*; in Examples whereof, the Elector of *Brandenburgh* joyning with the King of *Poland*, hath likewise more then trebled the ancient and capitulated Duties; which if that they shall continue, I pronounce all the Commerce of the *Baltique* Sea so over-burthened, *That the East-land Company cannot subsist*, nor without them and the *Muscovie* Company the Navigation, but that the materials for shipping will be doubled, which will eat out all Trades. I have given you but Essayes, and strooke little sparkes of fire before you. *My intention is but to provoke the wit and ability of others; I have drawn you a Map, wherein you cannot see things clearely and distinctly, onely I introduce matter before you: and now I have done, when I have shewed you the way how to enlarge and bring every particular thing into debate.*

To which end, my motion and desire is this, That we may send to every severall Company of Merchants trading in Companies, and under Government and Priviledges, and to aske of them, what is their Grievances in their generall Trade (not to rake into private Complaints, what are the causes of decay or abuses in their Trades, and of the want of money, which is visible and of the great losses, both to the Kingdome and to every particular, by the late high exchanges; and to desire every one of these Companies to set downe their judgement in writing to the Committee by a day appointed, and having from them all the generall state of the complaints severally, we shall make some judgements of these relations one to another. this done, I desire to require all the same severall Companies, upon their owne papers, to propose to us in writing the Remedies appliable in their judgement; which materials having all together, and comparing one with another,

another, we ſhall diſcover that truth which we ſeeke; that is, whether Trade and Money decay or not, and how to remedy it.

But I have one requeſt more, and ſo I will eaſe you of my loſſe of your time: That when from all theſe Merchants we ſhall have before us ſo much matter and without ſuch variety, and perhaps not without private and partiall ends, that then you will give me leave to repreſent to you the names of ſome generall and others diſ-intereſſed and wel experienced in many particulars, who may aſſiſt our judgements in all the premiſſes, particularly in moneys and exchanges, and give us great light to prepare our reſult and reſolution to bee by the whole Houſe of Commons repreſented to his Majeſty, and for expedition, that a ſub-Committee, may be named to direct this Information from the Merchants.

THE LORD FAUKLAND His SPEECH, Concerning EPISCOPACY.

MASTER SPEAKER, he is a great ſtranger in *Iſrael* who knowes not that this Kingdome hath long laboured under many and great oppreſſions, both in religion and liberty: and his acquaintance here is not great, or his ingenuity leſſe, who doth not both know and acknowledge that a great, if not a principall, cauſe of both theſe have beene ſome Biſhops and their adherents.

Maſter Speaker, a little ſearch will ſerve to find them to have beene the deſtruction of unitie; under pretence of uniformity, to have brought in ſuperſtition and ſcandall; under the titles of reverence and decency, to have defil'd our Church; by adorning our Churches, to have ſlackned the ſtrictneſſe of that union which was formerly betweene us and thoſe of our religion beyond the ſea; an action as unpoliticke as ungodly.

Maſter Speaker, wee ſhall finde them to have Tith'd Mint and Aniſe, and have left undone the weightier works of the Law; to have been leſſe eager upon thoſe who damne our Church, then upon thoſe who, upon weake conſcience, and perhaps as weake reaſons (the diſlike of ſome commanded garment, or ſome uncommanded poſture) onely abſtained from it. Nay, it hath been more dangerous for men to goe to ſome neighbours Pariſh, when they had no ſermon in their owne, then to be obſtinate and perpetuall Recuſants; while Maſſes have been ſaid in ſecurity, a conventicle

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hath beene a crime, and which is yet more, the conforming to ceremonies hath beene more exacted then the conforming to Christianity; and whilest men for scruples have beene undone, for attempts upon *Sodomie* they have onely beene admonished.

Master Speaker, we shall find them to have beene like the hen in *Esop*, which laying every day an egge upon such a proportion of barly, her Mistresse increasing her proportion in hope shee would encrease her egges, shee grew so fat upon that addition, that shee never laid more: so though at first their preaching were the occasion of their preferment, they after made their preferment the occasion of their not preaching.

Master Speaker, we shall find them to have resembled another fable, the dog in the manger; to have neither preached themselves, nor employ'd those that should, nor suffered those that would: to have brought in catechising only to thrust out preaching, cryed downe Lectures by the name of Factions, either because their industry in that duty appeared a reproofe to their neglect of it, (not unlike to that we read of him, who in *Nero's* time and *Tacitus* his story was accused, because by his vertue he did appeare *Exprobrare vitia Principis*) or with intention to have brought in darkenesse, that they might the easier sow their tares, while it was night; and by that introduction of ignorance, introduce the better that Religion? which accompts it the Mother of devotion.

Master Speaker, in this they have abused his Majesty, as well as his people, for when they had with great wisedome (since usually the children of darkenesse are wiser in their generation then the children of light; I may guesse not without some eye upon the most politicke action of the most politicke Church) silenced on both parts those opinions which have often tormented

mented the Church, and have, and will alway trouble the ſchooles, they made uſe of this declaration to tye up one ſide, and let the other looſe, whereas they ought either in diſcretion to have beene equally reſtrained, or in juſtice to have beene equally tolerated. And it is obſervable, that that party to which they gave this licence, was that whoſe doctrine, though it were not contrary to law, was contrary to cuſtome, and for a long while in this Kingdome was no oftner preached then recanted.

The truth is, *Maſter Speaker*, that as ſome ill Miniſters in our ſtate firſt tooke away our mony from us, and after indeavoured to make our mony not worth the taking, by turning it into braſſe by a kind of *Antiphiloſophers-ſtone*: ſo theſe men uſed us in the point of preaching, firſt depreſsing it to their power, and next labouring to make it ſuch, as the harme had not beene much if it had beene depreſſed, the moſt frequent ſubjects even in the moſt ſacred auditories, being the *Jus divinum* of Biſhops and tithes, the ſacredneſſe of the clergie, the ſacriledge of impropriations, the demoliſhing of puritaniſme and propriety, the building of the prerogative at *Pauls*, the introduction of ſuch doctrines, as, admitting them true, the truth would not recompence the ſcandall; or of ſuch as were ſo far falſe, that, as Sir *Thomas Moore* ſayes of the Caſuiſts, their buſineſſe was not to keepe men from ſinning, but to enforme them *Quàm propè ad peccatum ſine peccato liceat accedere*: ſo it ſeemed their worke was to try how much of a Papiſt might bee brought in without Popery, and to deſtroy as much as they could of the Goſpell, without bringing themſelves into danger of being deſtroyed by the Law.

Maſter Speaker, to goe yet further, ſome of them have ſo induſtriouſly laboured to deduce themſelves from *Rome*, that they have given great ſuſpition that

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in gratitude they desire to returne thither, or at least to meet it halfe way: Some have evidently labour'd to bring in an *English*, though not a *Roman* popery: I meane not onely the outside and dresse of it, but equally absolute; a blind dependance of the people upon the Clergie, and of the Clergie upon themselves; and have opposed the papacy beyond the sea, that they might settle one beyond the water. Nay, common fame is more then ordinarily false, if none of them have found a way to reconcile the opinions of *Rome* to the preferments of *England*; & be so absolutely, directly and cordially Papists, that it is all that fifteene hundred pounds a yeare can doe to keep them from confessing it.

Master Speaker, I come now to speake of our liberties; and considering the great interest these men have had in our common Master, and considering how great a good to us, they might have made that interest in him, if they would have used it to have informed him of our generall sufferings; and considering how little of their freedome of Speech at *Whitehall* might have saved us a great deale of the use wee have now of it in the Parliament-house, their not doing this alone were occasion enough for us to accuse them as the betrayers, though not as the destroyers of our rights and liberties: Though, I confesse, if they had been onely silent in this particular, I had beene silent too; But, alas, they whose Ancestors in the darkest times excommunicated the breakers of *Magna charta*, did now by themselves, and their adherents, both write, preach, plot, and act against it, by encouraging Doctor *Beale*, by preferring Doctor *Mannering*, appearing forward for Monopolies and ship-mony: and if any were slow and backeward to comply, blasting both them and their preferment, with utmost expression of their hatred, the title of Puritans.

Master

Maſter Speaker, wee ſhall find ſome of them to have labour'd to exclude both all perſons, and all cauſes of the Clergy, from the ordinary juriſdiction of the temporall Magiſtrate, and by hindring prohibitions (firſt by apparent power againſt the Judges, and after by ſecret agreements with them) to have taken away the onely legall bound to their arbitrary power, and made as it were a conqueſt upon the common law of the Land, which is our common inheritance; and after made uſe of that power to turn their brethren out of their free-holds, for not doing that which no law of man required of them to doe; and which (in their opinions) the law of God required of them not to doe. Wee ſhall finde them in generall to have encouraged all the Clergy to ſuites, and to have brought all ſuites to the Councell-table, that having all power in Eccleſiaſticall matters, they laboured for equall power in Temporall, and to diſpoſe as well of every Office, as of every Benefice, which loſt the Clergy much revenew, and much reverence, (whereof the laſt is never given when it is ſo asked,) by encouraging them indiſcreetly to exact more of both then was due; ſo that indeed the gaine of their greatneſſe extended but to a few of that order, though the envy extended upon all.

We ſhall find of them to have both kindled & blown the common fire of both nations, to have both ſent and maintained that booke, of which the Author no doubt hath long ſince wiſh'd with *Nero*, *Utinam neſciſſem literas!* and of which more then one Kingdome hath cauſe to wiſh, that when hee writ that, hee had rather burnd a Library, though of the value of *Ptolomie's*. We ſhall finde them to have beene the firſt and principall cauſe of the breach, I will not ſay of, but ſince the pacifica tion at *Berwike*. We ſhall find them to have beene the almoſt ſole abettors of my Lord of *Strafford*,

Strafford, whileſt hee was practiſing upon another Kingdome that manner of government which hee intended to ſettle in this, where he committed ſo many, ſo mighty, and ſo manifeſt enormities and oppreſſions, as the like have not beene committed by any Governour in any government, ſince *Verres* left *Sicily*. And after they had called him over from being Deputy of *Ireland*, to bee in a manner Deputy of *England*, (all things here being govern'd by a *Juntillo*, and that *Juntillo* govern'd by him) to have aſiſted him in the giving of ſuch Councells, and the purſuing of ſuch courſes, as it is a hard and meaſuring caſt, whether they were more unwiſe, more unjuſt, or more unfortunate, and which had infallibly beene our deſtruction, if by the grace of God, their ſhare had not beene as ſmall in the ſubtilty of Serpents, as in the innocency of Doves.

Maſter Speaker, I have repreſented no ſmall quantity, and no meane degree of guilt; and truly I beleeve that wee ſhall make no little complement to thoſe, and no little apologie for thoſe to whom this charge belongs, if wee ſhall lay the faults of the men upon the order of the Biſhops, upon the *Epiſcopacy*. I wiſh we may diſtinguiſh betweene thoſe, who have beene carried away with the ſtreame, and thoſe who have beene the ſtreame that carry'd them; betweene thoſe whoſe proper and naturall motion was towards our ruine and deſtruction, and thoſe who have beene whirl'd about to it, contrary to their naturall motion, by the force and ſwinge of ſuperiour *Orbes*: and as I wiſh wee may diſtinguiſh betweene the more and leſſe guilty; ſo I yet more wiſh wee may diſtinguiſh betweene the guilty and the innocent.

Maſter Speaker, I doubt, if we conſider that if not the firſt Planters, yet the firſt Spreaders of Chriſtiani-

ty, and the firſt and chiefe Defenders of Chriſtianity againſt Hereſies within, and Paganiſme without, both with their inke and with their bloud; and the maine conducers to the reſurrection of Chriſtianity, (at leaſt) here in the reformation (and we owe the light of the Goſpell, wee now enjoy to the fire they then endur'd for it,) were all Biſhops: and that even now in the greateſt perfection of that order, there are yet ſome who have conduc'd in nothing to our late innovations, but in their ſilence; ſome, who in an unexpected and mighty place and power, have expreſſed an equall moderation and humility, being neither ambitious before, nor proud after, either of the Croſiers ſtaffe, or white ſtaffe: ſome who have beene learned oppoſers of Popery, and zealous oppoſers of *Arminianiſme*; betweene whom, and their inferiour Clergy, in frequency of preaching hath been no diſtinction; whoſe lives are untouched, not onely by guilt, but by malice; ſcarce to be equall'd by thoſe of any condition, or to be excell'd by thoſe in any Calendar. I doubt not, I ſay, but if wee conſider this, this conſideration will bring forth this concluſion, That Biſhops may be good men, and let us give but good men good rules, we ſhall have both good governours and good times.

Maſter Speaker, I am content to take away all thoſe things from them which, to any conſiderable degree of probability, may againe beget the like miſchiefes, if they be not taken away. If their temporall titles, power and employment, appeare likely to diſtract them from the care of, or make them looke downe with contempt upon their Spirituall duty, and that the too great diſtance betweene them and thoſe they governe will hinder the free and fit recourſe of their inferiours to them, and occaſion inſolence from them to their inferiours; let that be conſidered, and car'd

for;

for; I am sure neither their Lordships, their judging of tythes, wills and marriages, no nor their voyces in Parliaments are *Jure divino*; and I am as sure that these titles, and this power are not necessary to their authority, as appeares by the little they have had with us by them, and the much that others have had without them.

If their revenew shall appeare likely to produce the same effects, (for it hath beene anciently observ'd, that *Religio peperit divitias, & Filia devoravit matrem*;) let so much of that, as was in all probability intended for an attendant upon their temporall dignities, wait upon them out of the doors: Let us onely take care to leave them such proportions, as may serve in some good degree to the dignity of learning, and the encouragement of students; and let us not invert that of *Jeroboam*, and as he made the meanest of the people Priests, make the highest of the Priests the meanest of the people.

If it be feared that they will againe employ some of our Lawes with a severity beyond the intention of those Lawes against some of their weaker Brethren; that we may be sure to take away that power, let us take away those Lawes, and let no ceremonies which any number counts unlawfull, and no man counts necessary (against the rules of *Policy*, and Saint *Paul*) be imposed upon them. Let us consider, that part of the rule they have hitherto gone by, that is, such Canons of their owne making as are not confirm'd by Parliament, have beene, or, no doubt, shortly will bee by Parliament taken away: that the other part of the rule (such Canons as were here received before the reformation, and not contrary to any law,) is too doubtfull to be a fit rule, exacting an exact knowledge of the Canon-law, of the Common-law, of the Statute-law knowledges, which those who are thus to governe

have not, and it is ſcarce fit they ſhould have. Since therefore wee are to make new rules, and ſhall, no doubt, make thoſe new rules ſtrict rules, and bee infallibly certaine of a trienniall Parliament, to ſee thoſe rules obſerv'd as ſtrictly as they are made, and to encreaſe or change them upon all occaſions; wee ſhall have no reaſon to feare any innovation from their tyranny, or to doubt any defect in the diſcharge of their duty: I am confident, they will not dare, either ordaine, ſuſpend, ſilence, excommunicate, or deprive otherwiſe, then we would have them. And if this be beleeved, I am as confident, we ſhall not think it fit to aboliſh, upon a few dayes debate, an Order which hath laſted (as appeares by ſtory) in moſt Churches theſe ſixteene hundred yeares, and in all from Chriſt to *Calvin*; or in an inſtant change the whole face of the Church, like the ſcene of a Maske.

Maſter Speaker, I doe not beleeve them to be *Jure divino*, nay, I beleeve them not to be *Jure divino*, but neither doe I beleeve them to be *Injuriâ humanâ*. I neither conſider them as neceſſary, nor as unlawfull, but as convenient or inconvenient: but ſince all great mutations in government are dangerous, (even where what is introduc'd by that mutation, is ſuch as would have beene very profitable upon a primary foundation) and ſince the greateſt danger of mutations is, that all the dangers and inconveniences they may bring are not to be foreſeene; and ſince no wiſe man will undergoe great danger but for great neceſſity; my opinion is, that we ſhould not root up this ancient tree, as dead as it appeares, till we have tryed whether by this, or the like lopping of the branches, the ſap which was unable to feed the whole, may not ſerve to make what is left, both grow and flouriſh. And certainely, if we may at once take away both the

the inconveniences of Bishops and the inconvenience of no Bishops, that is of an almost universall mutation; this course can onely bee opposed by those who love mutation for mutations sake.

Master Speaker, to be short (as I have reason to be after having bin so long,) that this triall may be suddenly made, let us commit as much of the Ministers remonstrance, as we have read, that those heads both of abuses and grievances which are there fully collected, may be marshal'd and ordered for our debate: if upon that debate it shall appeare, that those may be taken away, and yet the Order stand, wee shall not need to commit the *London* Petition at all: for the cause of it will be ended; if it shall appeare, that the abolition of the one cannot be but by the destruction of the other, then let us not commit the *London Petition*, but let us grant it.

Master

Mr. PYM His SPEECH, After the Articles of the Charge against the Earle of STRAFFORD were read.

My LORDS,

THese Articles have expreſt the Character of a great and dangerous Treaſon; ſuch a one as is advanced to the higheſt degree of malice and of miſchiefe: It is enlarged beyond the limits of any deſcription or definition: it is ſo hainous in it ſelfe, as that it is capable of no aggravation: a Treaſon againſt God, betraying his Truth and Worſhip; againſt the King, obſcuring the glory, and weakning the foundation of his Throne; againſt the Common-wealth, by deſtroying the principles of Safetie and Proſperitie. Other Treaſons are againſt the Rule of the Law; this is againſt the beeing of the Law: It is the Law that unites the King and his People; and the Author of this Treaſon hath endeavoured to diſſolve that Union, even to breake the mutuall, irreverſall, indiſſoluble band of protection and Allegiance, whereby they are, and I hope ever will bee, bound together.

If this Treaſon had taken effect, our Soules had been inthralled to the Spirituall Tyranny of Sathan, our Conſciences to the Eccleſiaſticall Tyranny of the Pope; our Lives, our Perſons and Eſtates to the Civill Tyranny

Tyranny of an arbitrary, unlimited, confused Government.

Treason in the least degree, is an odious and a horrid Crime: other Treasons are particular; if a Fort bee betrayed, or an Army, or any other treasonable fact committed, the Kingdome may out-live any of these: this Treason would have dissolved the frame and beeing of the Common-wealth; it is an Universall, a Catholike Treason; the venome and malignity of all other Treasons are abstracted, digested, sublimated into this.

The Law of this Kingdome makes the King to be the fountaine of Justice, of Peace, of Protection; therefore we say, the Kings Courts, the Kings Judges, the Kings Lawes. The Royall Power and Majestie shines upon us in every publique blessing and benefit wee enjoy: but the Author of this Treason would make him the fountaine of Injustice, of Confusion, of publike misery and calamitie.

The Gentiles by the light of Nature had some obscure apprehensions of the Deity, of which they made this expression, that hee was *Deus optimus maximus*, an infinite goodnesse, and an infinite greatnesse. All soveraigne Princes have some Characters of Divinity imprinted on them; they are set up in their dominions to bee *Optimi, Maximi*, that they should exercise a goodnesse proportionable to their greatnesse.

That Law terme, *Læsa Majestas*, whereby they expresse that which wee call Treason, was never more thorowly fulfilled then now: there cannot bee a greater læsion or diminution of Majestie, then to bereave a King of the glory of his goodnesse. It is goodnesse (My Lords) that can produce, not onely to his people, but likewise to himselfe honour and happinesse. There are Principalities, Thrones and Dominions amongst the Divels, greatnes enough; but being uncapable of

of goodneſs, they are made uncapable both of honour and happineſſe.

The Lawes of this Kingdome have inveſted the Royall Crowne with power ſufficient for the manifeſtation of his goodneſs and of his greatneſs: if more bee required, it is like to have no other effects but povertie, weakneſſe, and miſerie, whereof of late wee have had very wofull experience. It is farre from the Commons to deſire any abridgement of thoſe great Prerogatives which belong to the King; they know that their own Liberty & Peace are preſerved and ſecured by his Prerogative, & they will alwayes be ready to ſupport and ſupply his Majeſty with their lives and fortunes, for the maintenance of his juſt and lawfull Power.

This (My Mords) is in all our thoughts, in our prayers, and I hope will ſo be manifeſted in our indeavours, that if the proceedings of this *Parliament* bee not interrupted as others have beene, the King may within a few moneths bee put into a cleare way, of as much greatneſſe, plenty and glory, as any of his Royall Anceſtors have enjoyed.

A King and his People make one Body: the inferiour parts conferre nouriſhment and ſtrength, the ſuperiour ſenſe and motion: If there be an interruption of this neceſſary intercourſe of bloud and ſpirits, the whole Body muſt needs bee ſubject to decay and diſtemper; therefore obſtructions are firſt to bee removed, before reſtoratives can be applyed. This (My Lords) is the end of this Accuſation, whereby the Commons ſeeke to remove this perſon, whom they conceive to have beene a great cauſe of the obſtructions betwixt his Majeſty and his People: for the effecting whereof, they have commanded mee to deſire your Lordſhips, that their proceedings againſt him

may

may bee put into as ſpeedy a way of diſpatch, as the courſes of Parliaments will allow.

Firſt, that hee may bee called to anſwer, and they may have liberty to reply; that there may bee a quick and ſecret examination of witneſſes, and they may from time to time bee acquainted with the depoſitions; that ſo when the cauſe ſhall bee ripe for Judgement, they may collect the ſeverall Examinations, and repreſent to your Lordſhips in one entire Body the ſtate of the Proofes, as now by mee they have preſented to you the ſtate of the Charge.

Mr. PYM his SPEECH, After the Articles of the Charge againſt Sr. GEORGE RATCLIFFE were read.

My LORDS,

BY hearing this Charge, your Lordſhips may perceive what neere conjunction there is betweene this Cauſe and the Earle of STRAFFORDS: the materials are (for the moſt part) the ſame in both: the offences of the Earle moving from an higher Orb, are more comprehenſive, they extend both to *England* and *Ireland*; theſe (except in one particular of reducing of *England* by the *Iriſh* Army) are confined within one Kingdome; the Earle is charged as an Authour, Sir GEORGE RATCLIFFE as an Inſtrument and ſubordinate Actor.

The influences of ſuperiour Planets are often augmented and inforced, but ſeldome mitigated by the concurrence of the inferiour, where merit doth ariſe not from well-doing, but from ill; the officiouſneſſe of miniſters will rather adde to the malignity of their Inſtructions, then diminiſh it, that ſo they may more fully ingratiate themſelves with thoſe upon whom they depend.

In the crimes committed by the Earle there appears more haughtineſſe and fierceneſſe, being acted by his owne principles; thoſe motions are ever ſtrongeſt which are neereſt the *Primum mobile*: But in thoſe of Sir

Sir GEORGE RATCLIFFE there ſeemes to be more baſeneſſe and ſervility, having reſigned and ſubjected himſelfe to bee acted by the corrupt will of onother.

The Earle of STRAFFORD hath not beene bred in the ſtudy and practice of the Law, and having ſtronger luſts and paſsions to incite, and leſſe knowledge to reſtraine him, might more eaſily be tranſported from the Rule; Sir GEORGE RATCLIFFE in his naturall temper and diſpoſition more moderate, and by his education and profeſsion better acquainted with the grounds and directions of the Law, was carried into his offences by a more immediate Concurrence of will, and a more corrupt ſuppreſsion of his owne Reaſon and Judgement.

My Lords, as both theſe have beene partners in offending; ſo it is the deſire of the Commons, they may bee put under ſuch tryall and examination, and other proceedings of juſtice as may bring them to partake in a deſerved puniſhment, for the ſafety and good of both Kingdomes.

Mr Speakers SPEECH,
At the presenting of these three Bills, viz.

An Act { For the shortning of *Michaelmas* Terme.
For the pressing of *Mariners* for the Kings Ships.
For the remainder of the six entire Subsidies.

May it please your most excellent Majesty,

THE great security of the Kingdome rests in the happy concurrence of the King and people in the unity of their hearts.

These joyned, safety and plenty attends the Scepter; but divided, distraction and confusion, as Bryers and Thorns, overspreads, and makes the Land barren.

No peace to the King,
No prosperity to the people.

The duties and affections of your subjects are most transparent, most cleare, in the cheerfull and most liberall contributions, given to knit fast this union with the bond of peace.

The treasures of the privie Purse, are but the supplies of Fancies, warranted by a common Interest; But the publick Tribute given by common assent, supports Royall Dignity, is sheltred under the wings of Prerogative, and by that power covered from the eyes, from the touch of deceivers.

In

In these wee render *Cæsar* what is due to *Cæsar*, and tribute to whom tribute belongeth.

The proper inscription of the Crown is born here, and censures those malignant spirits that dare whisper into the eares of sacred Majesty, that our selves onely, not your sacred person, not your Royall posterity, are the supreme objects of the givers.

The preservation of the publick union, the supply of your Armies, the distresses, miserable distresses of the Northern parts, the common calamities of the times begat the consideration of this Bill (the remainder of the six entire Subsidies happily presented to your sacred Majesty by this unworthy hand) the first vote advanced a credit to us to issue them for the use of your sacred Majesty.

The full perfection adds growth to that credit, and enables us to returne to your sacred Majesty, as to the Ocean the Tribute due to Justice and Soveraignty.

These are the vast earnests of our desires, which take their rise from the due regard, from the safety of your Throne, of your posterity.

Your Royall assent stamps your image here, and makes this yours, and yours onely, which I (by the commands of the Commons) humbly beseech of your sacred Majesty.

THE

THE SPEECH OF Master Plydell, ESQUIRE.

Master Speaker,

I Have heard, since I had the honour to sit here, many grievances presented, and truly Sir, my heart bleeds within mee when I thinke of them, especially those that concerne Religion. But what should I speake of grievances concerning Religion, when Religion it selfe is become a grievance, nay the very Nurse and Mother of all grievances, all scandalls, all reproaches?

Tantum Religio potuit suadere malorum.

SIR,

Not to trouble you with any long discourse, if I have any sight, that Bark both of Church and State hath a long time floated betwixt *Scylla* and *Charibdis*, Popery on the one side, and I know not what to call it on the other; in many respects both alike dangerous, unlesse the Italian Proverb may alter the Case; *God defend me from my reputed friends, and I will defend my selfe from my profest enemies.*

Sir, Wee are intrusted by God, the King and the Countrey, with the managing of this Bark, fraught with

with the fortunes of three great Kingdomes: Now, ſhould wee ſo decline the former Rock, that wee daſh on the other ſide, I humbly offer it to this Honourable Aſſembly, whether ſhee might not have juſt cauſe to ſay, ſhee had changed her Pilot rather then her condition, and onely ſhifted places to finde her ruine: For Sir, there is as much beyond Truth, as on this ſide it; and would wee ſteere a right courſe, wee muſt be ſure to keepe the channell, leſt wee fall from one extreme to another; from the dotage of Superſtition, to the frenzie of Profaneneſſe; from bowing to Idols, to worſhip the Calves of our owne imaginations.

Sir, I beſeech you conſider what libellous Pamphlets are now printed, what Sermons are preached, not building hay and ſtubble, but utterly ſubverting the foundations of Truth; what irreverence in Churches, what profanation of Gods Service, to the ſcandall of Chriſtianity, the reproach of Religion, and the intolerable griefe of all good men; of which I may take up the words of *Petrus de Aliaco* to the Councell of *Conſtance*, *Niſi celeriter fiat Reformatio, audeo dicere quòd licèt magna ſint quæ videmus, tamen in brevi incomparabilia majora videmus, & poſt iſta tam horrenda majora alia audiemus.*

Sir, I take God to record, I am no mans Advocate, no mans enemy, but a faithfull lover of truth and peace, and a dutifull Son of our diſtreſſed Mother, the Church of England; in whoſe behalfe, and our owne, my motion ſhall bee ſhortly this, That the Miniſters Petition, with ſo much of their Remonſtrance as hath been read, may be committed, and the reſt of it, concerning matter of Doctrine, may bee referred to ſome learned and approved Divines, who have ſpent their time in that noble ſtudy. For, give me leave to tell you, there is a *vulgus* among the Clergy, as among the Laity, *Et in utroque nil modicum*; and for theſe and all things which ſtrike

at

at the roote and branch as they pleaſe to call it, I ſhall humbly move, that wee rather conſider how to ſatisfie the Petitioners with ſome timely declaration from both Houſes of the lawfulneſſe and conveniency of Epiſcopall Government, derived from the Apoſtles, and ſo long eſtabliſhed in this Kingdome, rather then to venture upon any alteration, the conſequence whereof the wiſeſt man cannot fore-ſee. And in truth, Sir, ſhould we once begin (for my owne part) I know not how, or where wee ſhould ſtay. Nevertheleſſe, if any one doubt the ſuperiority of Biſhops over Prieſts and Deacons in Eccleſiaſticall government, or in ordination, I ſhall be ready, whenſoever this Houſe ſhall command mee, to make it good, and I think, by as pregnant teſtimonies as wee are able to prove the difference betwixt Canonicall and Apocryphall Scripture, the neceſsity of Infants baptiſme, or that the Apoſtles were the Authors of their owne Creed. But, Sir, I hope you will ſave your ſelfe and mee that labour, and rather deviſe of ſome ſet way to bind up the Churches wounds, which (God knowes) are too wide already, that ſo the Clergy and Laity being made friends, and all reduced to the modell of our Anceſtors ſince the Reformation, we may altogether preſerve the unity of the Spirit in the bond of peace; and ſo his Majeſty having graciouſly and prudently expreſt himſelfe, I am the more confident wee ſhall not onely put an end to all miſ-intelligence betwixt Prince and People, but alſo highly advance the Proteſtant cauſe, and give a deadly blow to the See of Rome.

Sir, I humbly crave the favour of the Houſe, for God is my witneſſe, *Non potui aliter liberare animam meam.*

Maſter

Mr. *Grimstons* Speech in the High Court of Parliament.

M. *SPEAKER.*

THese Petitions which have beene now read, they are all Remonstrances of the generall and universall grievances & distempers that are now in the State and Government of the Church and Commonwealth: and they are not them alone, But his Majesties gracious Expressions the first day of Parliament, that calls me up to speak at this present, contrary to my owne Intentions.

Mr. *Speaker*, his Majestie, who is the head of the body politique, and the Father of the Common-wealth, hath complained first, declaring his sensibleness of our sufferings, and amongst other things, hath put us in mind of our grievances, and hath freely left it to our selves (for our redresse and repaire therein) to begin and end, as we shall think fit. And this drawes mee on with much cheerefulnesse and zeale to contribute my poore endeavours to so great a work.

And Mr. *Speaker*, I conceive it will not be altogether impertinent for your direction and guidance in that great place, which by the favour of his Majestie, and this House you now possesse, a little to recollect our selves in the remembrance of what was done the last Parliament, and where we ended.

It will likewise be very considerable what hath bin done since that Parliament, and who they are that have beene the Authors and Causers of all our miseries and distractions, both before and sithence.

Mr. *Speaker*, the last Parliament, as soone as the House was setled, a Subsidiarie ayd and supply was propounded, and

many Arguments uſed to give the precedencie before all other matters and Conſiderations whatſoever.

On the other ſide, a multitude of Complaints and Grievances of all ſorts, alwell concerning our Eternall as our Temporall eſtates were preſented and put in the other ballance: The wiſedome of that great Councell waighing both indifferently, and looking not onely upon the dangers then threatned from *Scotland* (which are now upon us) but likewiſe taking into their conſideration the Condition and Conſtitution of the preſent government here at home, concluded that they were in no capacity to give, unleſſe their grievances were firſt redreſſed and removed.

For Mr. *Speaker*, it then was, and ſtill is, moſt manifeſt and apparent, that by ſome judgements lately obtained in Court of Juſtice, and by ſome new wayes of Government lately ſtarted up amongſt us; the Law of property is ſo much ſhaken, that no man can ſay he is Maſter of any thing: But all that we have, wee hold as Tenants by courteſie, and at will, and may be ſtripped of it at pleaſure.

Yet Mr. *Speaker*, deſirous to give his Majeſtie all poſſible ſatisfaction and contentment, as well in the manner of ſupply for expedition, as in the ſubſtance and matter of it, wee confined and limitted our ſelves but to three particulars onely, and to ſuch matters as properly and naturally ſhould have reference and relation to thoſe three heads.

1. *The firſt was the priviledges of Parliament.*
2. *The ſecond matters of Religion.*
3. *The third, the propriety of our goods and Eſtates.*

And we began with the firſt, as the great Ark, in which the other two, Religion and property are included and preſerved.

Mr. *Speaker*, the violations complained of the laſt Parliament, touching our priviledges, were of two ſorts; either ſuch as had beene done in Parliament or out of Parliament.

Concerning the violations of the firſt ſort, it was reſolved by

by vote, that the *Speaker* refusing to put a question, being thereunto required by the House,

Or to adjourne the House upon any command whatsoever, without the consent and approbation of the House it selfe, were breaches and violations that highly impeached our priviledges.

And having passed the vote, I conceive it were fit wee should now proceed a little further, and consider of a way how to be repaired against them that have beene the violaters: For Execution does *animare Legem*. The putting of an old Law in Execution, you know Mr. *Speaker*, does oftentimes doe more good then the making of a new one.

As concerning the violations of the other sort, done out of Parliament in Courts of Justice, and at the Councell board, where neither our persons nor our proceeding ought to have beene controlled or medled withall; And as concerning matters of Religion, and the property of our goods and estates, there were divers things then likewise agreed upon by vote, whereupon a conference was desired to have beene with the Lords: But what interjections and rubs wee met withall by the way, and how the Lords countervoted the precedency of our grievances, and how our Speaker was taken away from amongst us, and what an unhappy conclusion we had at the last, the remembrance of it were a subject too sad to begin another Parliament wi hall.

Therefore Mr. *Speaker*, I shall passe from what was done the last Parliament, and come to what hath beene done since that Parliament ended.

M. *Speaker*, there are some worthy Gentlemen now of this House that were members of the last Parliament, that carried themselves in the matters and businesses then and there agitated and debated, with great Wisedome, and unexampled

moderation. But what had they at last for all their paines, in attending the publique ſtrince of the Common-wealth, As ſoone as ever the Parliament was ended, their Studies and Pockets were ſearched, as if they had beene Fellons and Traytors, and they committed to ſeverall Goales, with an intention I am confident of their utter ruine and deſtruction, had they not fore-ſeene a danger approaching; For Maſter *Speaker*, if I be truly informed, an information was drawne, or at leaſt, directions given for the drawing of it, againſt them in the Starre Chamber.

Maſter *Speaker*, there hath beene ſince the laſt Parliament a Synod, and in that Synod a new Oath hath beene made and framed, and enjoyned to be taken.

Maſter *Speaker*, they might as wel have made a new Law, and enjoyned the execution of that, as enjoyned and urged the taking of the other, not being eſtabliſhed by Act of Parliament, and in point of miſchiefe, the ſafety of the Common-wealth, and the freedome and liberties of the Subject are more concerned in the doing of the one, then if they had done the other.

The next exception I ſhall take to it, is to the matter contained in the Oath it ſelfe.

Maſter *Speaker*, they would have us at the very firſt daſh ſweare in a damnable Hereſie, that matters neceſſary to ſalvation are contained in the Diſcipline of our Church.

Whereas Maſter *Speaker*, it hath ever beene the tenet of our Church, that all things neceſſary to ſalvation are comprehended and contained in the Doctrine of our Church only; And that hath alwayes beene uſed as an Argument untill this very preſent, againſt *Antidiſciplinarians*, to ſtop their mouthes withall; And therefore that for that reaſon they might with the leſſe regret and offence, conforme and ſubmit

mit themſelves to the Diſcipline of our Church.

And Maſter *Speaker*, for prevention in caſe the Wiſedome of the State in this great Councell, ſhould at any time think fit to alter any thing in the government of our Church, they would anticipate and fore-ſtall our judgements, by making us ſweare before-hand, that wee would never give our conſent to any alteration.

Nay Maſter *Speaker*, they goe a little further, for they would have us ſweare, that the government of the Church by Archbiſhops, Biſhops, Deanes, Archdeacons, &c. is *Jure divino*, Their words are, *as of right it ought to ſtand*; Whereas Maſter *Speaker*, wee meet not with the name of an Archbiſhop, or a Deane, or an Arch-deacon in all the new Teſtament. And whatſoever may bee ſaid of the Function of Biſhops it is one thing: But for their Juriſdiction it is meerely *Humana inſtitutione*, and they muſt thank the King for it.

As for their groſſe, abſurd, &c. wherein they would have men ſweare they know neither what, nor how many fathome deepe: There is neither Divinity nor charity in it, and yet they would put that upon us.

Maſter *Speaker*, what they meant and intended by this new Oath, and their Booke of Canons, and their Booke of Articles, which they would have our Church-wardens ſworne unto, to enquire of, and to preſent thereupon, I muſt confeſſe I know not, unleſſe they had a purpoſe therein to blow up the Proteſtant Religion, and all the faithfull profeſſors of it, and to advance their Hierarchie a ſtep higher, which I ſuppoſe we all feare is high enough already.

Maſter *Speaker*, they have likewiſe in this Synod granted a benevolence, but the nature of the things agrees not with the name, for in plaine Engliſh it is ſix Subſidies to be paid

by the Clergie in six yeares: And the penalty they have imposed upon the refusers, for none-payment, is to be deprived of their Functions, to be stripped of their free-hold, and to be excommunicated, and this Act of their Synod is not published amongst their Canons, for which they might have some colourable seeming authority: But it comes out, in a Booke alone by it selfe in the Latine tongue, supposing as I conceiue that Lay-men are as ignorant as they would have them; And thus they think they dance in a Net.

And as in this, so in most of their new Canons if they bee throughly considered, any judicious man may easily discerne and perceive, that they doe therein like *Water-men* that looke one way and rowe another, they pretend one thing, but intend nothing lesse; And certainly Mr. *Speaker* in this they have flowne a high pitch; For a Synod called together upon pretence of reconciling and setling Controversies and matters in Religion, to take upon them the boldnesse thus out of Parliament, to grant Subsidies, and to meddle with mens Free-holds, I dare say the like was never heard of before, and they that durst doe this, will doe worse if the current of their raging Tyrannie be not stopped in time.

Who are they (Master *Speaker*) that have countenanced and cherished Popery and Armianisme to that growth and heigth it is now come to, in this Kingdome?

Who are they (Master *Speaker*) that have given encouragement to those that have boldly preached those damnable Heresies in our Pulpits?

Who are they (Master *Speaker*) that have given authoritry, and licence to them that have published those Heresies in Print?

Who are they (Master *Speaker*) that of late dayes have beene

beene advanced to any dignity or preferment in the Church, but such as have beene notoriously suspitious in their Disciplines, corrupt in their Doctrines, and for the most part, vitious in their lives?

And who are they (Master *Speaker*) that have overthrown our two great Charters, *Magna Charta*, and *Charta de Forresta*?

What imposition hath beene laid downe, or what Monopoly hath beene damned in any Court of Justice since the last Parliament?

Hath not ship-money, Coale and conduct money, and money for other Military charges, beene collected and leavied, with as great violence as ever they were, in violation of our liberties, confirmed unto us in our Petition of Right; notwithstanding all our supplications and complaints the last Parliament?

And who are they Master *Speaker*, that have caused all those dangerous Convulsions, and all the desperate unnaturall bloudy distempers, that are now in our body politique?

Master *Speaker*, I will tell you a passage, I heard from a Judge in the Kings-Bench. There was a poore man committed by the Lords, for refusing to submit unto a project, and having attended a long time at the Kings-Bench Barre, upon his *Habeas Corpus*, and at last pressing very earnestly to be bayled, The Judge said to the rest of his brethren, Come Brothers (said he) let us Baile him, for they begin to say in the Towne, that the Judges have overthrowne the Law, and the Bishops the Gospell.

Master *Speaker*, I would not be misunderstood in what I have said; for there are some of both functions and professions, that I highly honour and reverence in my heart, for their wisedomes and integrities. But Master *Speaker*, I may

say

ſay it; for I am ſure we have all felt it, that there are ſome of both functions and profeſſions, that have beene the Authors and cauſers of all the Miſeries, Ruines, and Calamities that are now upon us.

Maſter *Speaker*, This is the Age; This is the Age (Maſter *Speaker*) that hath produced and brought forth *Achitophells*, *Hammans*, *Woolſies*, *Empſons*, and *Dudlies*, *Tricilians*, and *Belknapps*, Vipers and Monſters of all ſorts. And I doubt not, but when his Majeſtie ſhall be truly enformed of ſuch matters, as we are able to charge them withall, wee ſhall have the ſame Juſtice againſt theſe, which heretofore hath beene againſt their Predeceſſors, in whoſe wicked ſteps they have trodden.

And therefore Maſter *Speaker*, to put our ſelves into a way for our redreſſe and reliefe, I conceive it were fit that a Committee might be named to take theſe Petitions, that have now beene read, and all others of the like nature, into their conſiderations, to the end, that the parties grieved, may have juſt repaire for their grievances; and that out of them, Lawes may be contrived, and framed for the preventing of the like miſchiefs, for the future.

FINIS.

The Two last SPEECHES of *Thomas Wentworth*, Late Earle of *Strafford*, and Deputy of *Ireland*.

His speech in the Tower, to the Lords.

RIght Honourable, and the reſt, you are now come to convey me to my death, I am willing to dye, which is a thing no more than all our Predeceſſors have done, and a debt that our Poſterity muſt in their due time diſcharge, which ſince it can be no way avoyded, it ought the leſſe to be feared; for that which is common to all, ought not to be intollerable to any: It is the Law of Nature, the tribute of the fleſh, a remedie from all worldly cares and troubles; and to the truly penitent, a perfect path to bleſſednesſe. And there is but one death, though ſeverall wayes unto it: mine is not naturall, but inforced by the Law and Iuſtice: it hath been ſayd that the Lawes vex only the meaner ſort of people, but the mighty are able to withſtand them: it is not ſo with me, for to the Law I ſubmit my ſelf, and confeſſe that I receive nothing but Iuſtice: for he that politikly intendeth good to a Common-weale, may be called a juſt man, but he that practiſeth either for his own profit, or any other ſiniſter ends, may be well termed a delinquent perſon; neither is delay in puniſhment any privilege for pardon. And moreover I ingenuouſly confeſſe with *Cicero*, That the death of the bad is the ſafety of the good that be alive.

Let no man truſt either in the favour of his Prince, the friendſhip and conſanguinity of his Peeres, much leſſe in his own wiſedome and knowledge, of which I ingeniouſly confeſſe I have been too confident. Kings, as they are men before God, ſo they are Gods before men, and I may ſay with a great man once in this kingdome, *Had I ſtrived to obey my God as faithfully, as I ſought to honour my King fraudulently, I had ſtood, and not fallen.* Moſt happie and fortunate is that Prince, who is as much for his juſtice feared, as for his goodnes beloved: For the greater that Princes are in power above other, the more they ought in vertue to excell other; and ſuch is the royall Soveraign whom I late ſerved.

For my Peeres, the correſpondence that I had with them during my proſperity, was to me very delightfull and pleaſing, and here they have commiſerated my ruine, I have plentifully found, who (for the moſt generous of them) I may boldly ſay, though they have deteſted the fact, yet they have pitied the perſon delinquent; the firſt in their loyaltie, the laſt in their charitie: ingenuouſly confeſſing, that never any Subject, or Peere of my rank, had ever that help of Counſell, that benefit of time, or a more free and legall tryall than I have had: of the like to which, none of my Predeceſſors hath had ſo much favor from his Prince, ſo much ſufferance from the people; in which I comprehend the underſtanding Commons, not the many headed monſter, Multitude: but I have offended, and ſentenced, and muſt now ſuffer me.

And for my too much confidence in my ſuppoſed wiſdome and knowledge, therein have been the moſt deceived: For he that is wiſe to himſelf, and knowes by others faults to correct his own offences, to be truly wiſe is to be Secretaries to our ſelves; for it is meere folly to reveale and intimate thoughts to ſtrangers: wiſdome is the moſt precious Gem with which the minde can be adorned, and learning the moſt famous thing for which a man ought to be eſteemed, and true wiſedome teacheth us to do well, as to ſpeak well: in the firſt I have failed, for *the wiſedome of man is fooliſhneſſe with God.*

For knowledge, it is a thing indifferent both to good and evill, but the beſt knowledge, is for a man to know himſelf; he that doth ſo ſhall eſteem of himſelf but little, for he conſidereth from whence he came, and whereto he muſt, he regardeth not the vain pleaſures of this life, he exalteth God, and ſtrives to live in his fear; but he that knoweth not himſelf is wilfull in his own wayes, unprofitable in his life, unfortunate in his death, and ſo am I. But the reaſon why I ſought to attain unto it was this: I have read that he that knoweth not that which he ought to know, is a bruit beaſt amongſt men: he that knoweth more then he ought to know, is a man amongſt beaſts: but he that knoweth all that may be known, is a God amongſt men. To this I much aſpired, in this I much failed; *Vanitie of Vanities, all is but vanity.*

I have heard the people clamour and cry out, ſaying, That through my occaſion the times are bad, I wiſh that when I am dead they may prove better: moſt true it is, that there is at this time a great

great ſtorm impending (God in his mercie avert it.) And ſince it is my particular lot, lik *Jonah*, to be caſt into the ſea, I ſhall think my life well ſpent, to appeaſe Gods wrath, and ſatisfie the peoples malice.

O what is eloquence more than air? faſhioned with an articulate and diſtinct ſound, when it is a ſpeciall vertue to ſpeak little and well, and ſilence is oft the beſt oratory; for fools in their dumbneſſe may be accounted wiſe: It hath power to make a good matter ſeem bad, and a bad cauſe appear good: but mine was to me unprofitable, and like the Cypreſſe trees, which are great and tall, but altogether without fruit.

What is honour, but the firſt ſtep to diſquietneſſe? and power is ſtill waited on by envy, neither hath it any priviledge againſt infamy. It is held to be the chiefe part of honour, for a man to joyn to his office and calling, courteſie and affability, commiſeration and pity: for thereby he draweth to him with a kinde of compulſion, the hearts of the multitude. But that was the leaſt part of my ſtudy, which now makes me call to minde, that the greater the perſons are in authority, the ſooner they are catcht in any delinquency, and their ſmalleſt crimes are ſtriven to be made capitall, the ſmalleſt ſpot ſeems great in the fineſt linnen, and the leaſt flaw is ſooneſt found in the richeſt Diamond. But high and noble ſpirits finding themſelves wounded, grieve not ſo much at their own pain and perplexity, as at the deriding and ſcoffing of their enemy: but for mine own part, though I might have many in my life, I hope to finde none in my death.

Amongſt other things which pollute and contaminate the mindes of great ſpirits, there is none more haynous than Ambition, which is ſeldome unaccompanied without Avarice: Such, to poſſeſſe their ends, care not to violate the Laws of Religion and Reaſon, and to break the bonds of modeſty and equity, with the neereſt tyes of Conſanguinity and Amity; of which as I have been guilty, ſo I crave at Gods hands forgiveneſſe. It is a Maxime in Philoſophy, that ambitious men can be never good Counſellors to Princes; the deſire of having more is common to great Lords, and a deſire of Rule a great cauſe of their Ruine.

My Lords, I am now the hopeleſſe Preſident, may I be to you all an happy example: For Ambition devoureth gold, and drinketh blood, and climbeth ſo high by other mens heads, that at the

length in the fall it breaketh its own neck: therefore it is better to live in humble content, than in high care and trouble: For more precious is want with honesty, than wealth with infamy: For what are we but meer vapours, which in a serene Element ascend high, and upon an instant, like smoke, vanish into nothing: or like Ships without Pilots, tost up and down upon the Seas by contrary windes and tempests. But the good husbandman thinks better of those ears of Corn, which bow down, and grow crooked, than those which are straight and upright, because he is assured to finde more store of grain in the one than in the other. This all men know, yet of this, how few make use? The defect whereof must be now my pain: may my suffering prove to others profit.

For what hath now the favour of my Prince, the familiarity with my Peers, the volubility of a tongue, the strength of my memory, my learning, or knowledge, my honours, or Offices, my power and potency, my riches and treasure (all these especiall gifts, both of Nature and Fortune) what have all these profitted me? Blessings I acknowledge, though by God bestowed upon man, yet not all of them together upon many: yet by the Divine providence the most of them met in me: of which had I made happy use, I might still have flourish't, who now am forc'd immaturely to fall.

I now could wish (but that *utinam* is too late) that God with his outward goodnesse towards me had so commixed his inward grace, that I had chused the *Medium* path, neither inclining to the right hand, nor deviating to the left; but like *Icarus* with my waxen wings, fearing by too low a flight to moisten them with the Waves: I soared too high, and too neer the Sun, by which they being melted; I ayming at the highest, am precipitated to the lowest: and am made a wretched prey to the Waters: But I who before built my house upon the sand, have now setled my hopes upon the Rock my Saviour: by whose onely merits my sole trust is, that whatsoever becomes of my body, yet in this bosome my soul may be Sanctuaried.

Nimrod would have built a Tower to reach up to heaven, and call'd it *Babel*; but God turned it to the confusion of Languages, and dissipation of the people. *Pharaoh* kept the Children of *Israel* in bondage, and after having freed them, in his great pride would have made them his prey; but God gave them a dry and

miraculous

miraculous passage, and *Pharaoh* and his hoast a watry Sepulcher. *Belshazzer* feasted his Princes and Prostitutes, who drunk healths in the Vessels taken from the Temple, but the hand of God writ upon the wall, *Mene, Tekel, Phorsin*, and that night before morning was both his Kingdom and life taken from him: Thus God lets men go on a great while in their own devices, but in the end it prove their own ruine and destruction, never suffering them to effect their desired purposes: therefore let none presume upon his power, glory in his greatnesse, or be too confident in his riches: These things were written for our Instruction, of which the living may make use, the dying cannot; but wit and unfruitful wisedome are the next neighbours to folly.

There can be no greater vanity in the world, than to esteem the world, which regardeth no man; and to make slight account of God, who greatly respecteth all men; and there can be no greater folly in man, than by much Travell to increase his goods, and pamper his body, and in the interim with vain delights and pleasures, to lose his soul. It is a great folly in any man to attempt a bad beginning, in hope of a good ending; and to make that proper to one, which was before common to all, is meer indiscretion, and the beginning of discord, which I positively wish may end in this my punishment.

O how small a proportion of earth will contain my body, when my high minde could not be confined within the spacious compasse of two Kingdoms? But my hour draweth on, and I conclude with the Psalmist, not ayming at any one man in particular, but speaking for all in generall: *How long will you Judges be corrupted? how long will ye cease to give true judgement? &c. Blessed is the man that doth not walk in the Councell of the wicked, nor stand in the way of sinners, nor sit in the seat of the scornfull, therefore they shall not stand in the Judgement, nor sinners in the Assembly of the righteous, &c.*

About the hours of 10 and 11 a Clock, the foresaid Lord of *Strafford* was conveyed to the Scaffold on Tower-Hill, where was a Court of Guard made by the severall Companies of Souldiers of the City of *London*, and the Hamlets of the Tower on each side as he passed to the Scaffold: before marched the Marshals men to make way, then the Sheriffs of Londons Officers with their Halberds; after them the Kings Guard, or Warders of the Tower: Next came one of his Gentlemen, bare headed, in mourning Habit, the Lord *Strafford* following him clad in black cloth, with divers others in the same habit, which were his attendants; then the Lord Bishop of *Armagh*, and other good Divines, with the

Sheriffs of London, and divers honorable perſonages.

When he came upon the Scaffold, he there ſhewed himſelf on each ſide to all the people, and made this ſhort ſpeech, with as much alacrity of Spirit as could be expreſſed. *Viz.*

The Lord *Wentworths* ſpeech on the Scaffold.

MY Lord Primate of *Ireland*, and my Lords, and the reſt of theſe noble Gentlemen, It is a great comfort to me to have your Lordſhips by me this day, becauſe I have been known to you a long time, and I now deſire to be heard a few words:

I come here my Lords to pay my laſt debt to ſin, which is death; and through the mercies of God, to riſe again in eternall glory.

My Lords, if I may uſe a few words, I ſhall take it as a great curteſie from you: I am come here my Lords, to ſubmit to the judgement that is paſſed againſt me, I do it with a very quiet and contented minde; I do freely forgive all the world, a forgiveneſſe not from the teeth outwards (as they ſay) but from my heart; I ſpeak it in the preſence of Almighty God, before whom I ſtand, that there is not a diſpleaſing thought that ariſeth in me againſt any man; I thank God, I ſay truely, my conſcience bears me witneſſe, that in all the honour I had to ſerve his Majeſty, I had not any intention in my heart, but did aime at the joynt and individuall proſperity of the King and his people, although it be my ill hap to be miſconſtrued: I am not the firſt man that hath ſuffered in this kinde, it is a common portion that befalls men in this life, righteous judgement ſhall be hereafter; here we are ſubject to errors and miſiudging one another.

One thing I deſire that I might be heard, and do hope that for Chriſtian charities ſake I ſhall be beleeved: That I was ſo farre from being againſt Parliaments, that I alwayes did think Parliaments in England to be the happy conſtitutions of the Kingdome and Nation, and the beſt means under God, to make the King and his people happy: As for my death I do hear acquit all the World, and beſeech God to forgive them: In particular, I am very glad his Majeſty conceives me not meriting ſo ſevere and heavy a puniſhment, as the utmoſt execution of this ſentence, I do infinitely rejoyce in it, and in the mercy of his, and do beſeech God to return to him the ſame, that he may finde mercy when he hath moſt need of it. I wiſh this Kingdom all

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prosperity and happinesse in the world, I did it living, and now dying it is my wish.

And I professe heartily, and do humbly recommend it to you, and wish that every man would lay his hand on his heart, and consider seriously, whether the beginning of the peoples happinesse should be written in letters of bloud. I fear they are in a wrong way: I desire Almighty God, that no one drop of my bloud rise up in judgement against them. I have but one word more, and that is for my Religion.

My Lord of *Armagh*, I do professe my self seriously, faithfully, and truly, to be an obedient sonne of the Church of England: in that Church I was borne and bred, in that Religion I have lived, and now in that I dye; prosperity and happinesse be ever to it.

It hath been said I was inclined to Popery: if it be an objection worth the answering, let me say truly from my heart, that since the time that I was 21. yeers of age, unto this day, going on 49. yeers, I never had thought or doubt of the truth of this Religion, nor had ever any the boldnesse to suggest to me the contrary (to my best remembrance,) and so being reconciled to the mercies of Christ Jesus my Saviour, into whose bosome I hope shortly to be gathered, to enioy eternall happinesse, which shall never have end. I desire heartily to be forgiven of every man, if any rash or unadvised words or deeds hath passed, and desire all your prayers; and so my Lord farewell, and farewell all things in this world.

The Lord strengthen my faith, and give me confidence and assurance in the merits of Christ Jesus, I trust in God we shall all meete to live eternally in Heaven, and receive the accomplishment of all happinesse, where every tear shall be wiped from our eyes, and sad thought from our hearts: And so God blesse this Kingdome, and Jesus have mercy on my soul.

Then turning himself about, he saluted all the Noblemen, and took a solemne leave of all considerable persons on the Scaffold, giving them his hand:

And after that he said, Gentlemen, I would say my prayers, and I intreat you all to pray with me, and for me; then his Chaplain laid the book of Common-prayer upon the chair before him as he kneeled down, on which he praied almost a quarter of an houre, then he prayed as long or longer without a book, and ended with the Lords prayer; then standing up he spies his brother Sir *George Wentworth*,

and

and cals him to him, and saith, brother we must part, remember mee to my sister, and to my wife, and carry my blessing to my eldest sonne, and charge him from me, that he fear God and continue an obedient sonne of the Church of England, and that he should approve himself a faithfull subject to the King, and tell him that he should not have any private grudge or revenge towards any concerning me, and bid him beware that he medle not with Church livings, for that will prove a moth and canker to him in his estate, and wish him to content himself to be a servant to his Country, as a Justice of peace in his County, and not aiming at higher preferments; carry my blessing also to my daughters *Anne*, and *Arrabella*, charge them to fear and serve God, and he will blesse them, not forgetting my little Infant that yet knowes neither good nor evill, and cannot speak for it self, God speak for it and blesse it; then sayd he, now I have nigh done, one stroke will make my wife husbandlesse, my dear children fatherles, and my poore servants masterlesse, and seperate me from my dear brother and all my friends, but let God be to you and them, all in all.

After that, going to take off his doublet, and to make himselfe unready, he sayd, *I thank God I am no more afraid of death, nor daunted with any discouragements rising from any fears, but do as cheerfully put off my doublet at this time, as ever I did when I went to bed.* Then he put off his doublet, and wound up his hair with his hands, and put on a white cap.

Then he called, where is the man that should do this last office? (meaning the Executioner) call him to me. When he came and askt him forgiveneſſe, he told him he forgave him and all the World. Then kneeling down by the block, he went to prayer again himself, the Bishop of *Armagh* kneeling on the one side, and the Minister on other; to the which Minister after prayer he turned himself and spoke some few words softly, having his hands lifted up: this Minister closed his hands with his; then bowing himself to the earth to lay his head on the blocke, he told the Executioner that he would first lay down his head to try the fitnesse of the block, and take it up again before he would lay it down for good and all, and so he did: and before he layd it dow again, he told the Executioner that he would give him warning when to strike, by stretching forth his hands; and then laid down his neck on the block, stretching out his hands, the Executioner struck off his head at one blow, then took the head up in his hands, and shewed it to all the people, and said, *God save the King.*

SIXTEENE

THE LORD *DIGBYES* SPEECH IN THE HOVSE of Commons, to the Bill of Attainder of the Earle of STRAFFORD, the 21. Aprill. 1641.

Master Speaker.

WE are now upon the point of giving (as much as in us lies) the finall Sentence unto death or life, on a great Minister of State and Peere of this Kingdome, *Thomas* Earle of *Strafford*; a name of hatred in the present age by his Practices, and fit to be made a terror to future Ages by his punishment.

I have had the honour to bee imployed by the House in this great businesse, from the first houres that it was taken into consideration: it was a matter of great trust, (and I will say with confidence) that I have served the House in it with industry, according to my ability, but with most exact faithfulnesse and secrecie.

And as I have hitherto discharged my duty to this House

and to my Country, in the progreſſe of this great Cauſe; ſo I truſt I ſhall doe now in the laſt period of it, to God and to a good conſcience.

I doe wiſh the peace of that unto my ſelfe, and the bleſſings of *Almighty God* to mee and my poſterity, according as my judgement on the life of this man ſhall be conſonant with my heart, and the beſt of my underſtanding, in all integrity.

I know well Maſter Speaker, that by ſome things I have ſaid of late, whileſt this Bill was in agitation, I have raiſed ſome prejudices upon me in the cauſe.

Yea ſome (I thank them for their plaine dealing) have beene ſo free as to tell me, that I ſuffered much by the backwardneſſe I have ſhewne in this Bill of *Attainder* of the Earle of *Strafford*, againſt whom I had beene formerly ſo keene, ſo active.

Mr. *Speaker*, I beg of you and the reſt but a ſuſpenſion of judgement concerning me, till I have opened my heart unto you freely and clearly in this buſineſſe.

Truely Sir, I am ſtill the ſame in my opinions and affections, as unto the Earle of *Srafford*, I confidently beleeve him the moſt dangerous Miniſter, the moſt inſupportable to free Subjects, that can be character'd.

I beleeve his practiſes in themſelves as high, as tyrannicall, as any Subject ever ventured on, and the malignity of them hugely aggravated by thoſe rare abilities of his, whereof God hath given him the uſe, but the Devill the application. *In a word*, I beleeve him ſtil that grand *Apoſtate* to the *Common-wealth*, who muſt not expect to be pardoned it in this world, till hee be diſpatch'd to the other. And yet let mee tell you Maſter *Speaker*, my hand muſt not be to that diſpatch.

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I proteſt, as my Conſcience ſtands enformed, I had rather it were off.

Let me unfold unto you the Myſterie, Maſter Speaker.

I will not dwell much upon juſtifying unto you my ſeeming variance at this time from what I was formerly, by putting you in mind of the difference betweene Proſecutors and Judges,

How misbecomming that fervour would be in a *Judge*, which perhaps was commendable in a *Proſecutor*. *Judges* we are now, and muſt put on another Perſonage.

It is honeſt and noble to be earneſt in order to the diſcovery of Truth, but when that hath beene brought as farre as it can to light, our judgement thereupon ought to be calme and cautious.

In proſecution upon probable grounds, we are accountable onely for our induſtry or remiſneſſe, but in judgement, we are deeply reſponſable to God Almighty, for its rectitude or obliquity. In caſes of life, the *Judge* is Gods Steward of the parties bloud, and muſt give a ſtrict account for every drop.

But as I told you Maſter *Speaker*, I will not inſiſt long upon this ground of difference in mee now, from what I was formerly.

The truth on't is, Sir, the ſame ground whereupon I (with the reſt of the five, to whom you firſt committed the conſideration of my Lord of *Strafford*) brought downe our opinion, that it was fit he ſhould be accuſed of Treaſon, upon the ſame ground I was engaged with earneſtneſſe in his proſecution, and had the ſame ground remained in that force of beliefe with me, which till very lately it did, I ſhould not have beene tender in his condemnation. But truly Sir, to deale

plainly with you, that ground of our accuſation, that ſpurre to our proſecution, and that which ſhould be the baſis of my judgement, of the Earle of *Strafford*, as unto Treaſon, is to my underſtanding quite vaniſht away.

This it was, Maſter *Speaker*.

His adviſing the King to employ the Army of *Ireland*, to reduce *England*.

This I was aſſured would be proved, before I gave my conſent to his accuſation. I was confirmed in the ſame beliefe, during the proſecution, and fortified in it moſt of all ſince Sir *Henry Vaines* preparatory examinations, by the aſſurances which that worthy member Mr. *Pymme* gave me, that his Teſtimony would be made convincing by ſome notes of what paſſed at the *Iunto* concurrent with it, which I ever underſtanding to be of ſome other Counſellour, you ſee now prove but a Copie of the ſame Secretaries notes, diſcover'd and produc't in the manner you have heard, and thoſe, *Such diſioynted fragments of the venemous part of diſcourſes, no reſults, no concluſions of Counſels, which are the onely things that Secretaries ſhould regiſter, there being no uſe at all of the other, but to accuſe and to bring men into danger.*

But Sir, this is not that which overthrowes the evidence with mee, concerning the Army of *Ireland*; nor yet that all the reſt of the *Iunto* upon their oathes remember nothing of it.

But this Sir, which I ſhall tell you, is that which works with mee under favour, to an utter overthrow of his evidence, as unto that of the Army of *Ireland*: *Before, whil'ſt I was a proſecutor, and under tye of Secrecie, I might not diſcover any weakeneſſe of the cauſe, which now as a Iudge I muſt.* Maſter Secretary was examined thrice upon Oath, at the preparatory Committee.

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The first time he was questioned to all the *Interrogatories*, and to that part of the seventh which concernes the Army of *Ireland*, he said positively in these words, *I cannot charge him with that. But for the rest, he desires time to recollect himselfe, which was granted him.*

Some dayes after, he was examined a second time, and then deposes these words concerning the Kings being absolved from rules of government, and so forth very clearely. *But being prest to that part, concerning the* Irish *Army, againe can say nothing to that.*

Here wee thought wee had done with him, till divers weeks after, my Lord of *Northumberland* and all others of the *Junto*, denying to have heard any thing concerning those words of reducing *England* by the *Irish* Army, it was thought fit to examine the Secretary once more, and then he deposes these words to have beene said by the Earle of *Strafford* to his Majestie: *You have an Army in* Ireland, *which you may imploy here to reduce, (or some word to that sence) this Kingdome.*

Mr. *Speaker*, these are the circumstances which I confesse with my Conscience, thrust quite out of dores that grand Article of our charge, concerning his desperate advice to the King, of employing the *Irish* Army here.

Let not this, I beseech you, be driven to an aspersion upon Master Secretary, as if he should have sworn otherwise then he knew or beleeved, hee is too worthy to doe that; onely let thus much be inferr'd from it, that hee who twice upon Oath with time of recollection, could not remember any thing of such a businesse, might well a third time misremember somewhat: and in this businesse the difference of one Letter, here for there, or that for this, quite alters the case, the latter also being the more probable, since it is confest of all hands, that the debate then was concerning a warre with

Scotland, and you may remember that at the Bar he once said to employ there. And thus Mr. *Speaker*, I have faithfully given you an account what it is that hath blunted the edge of the Hatchet or Bill with me towards my Lord of *Strafford*.

This was that whereupon I accused him with a free heart, prosecuted him with earnestnesse, and had it to my understanding beene proved, should have condemned him with innocence. Whereas now I cannot satisfie my conscience to doe it.

I professe I can have no notion of any bodies intent to subvert the Lawes treasonably, or by force; and this designe of force not appearing, all his other wicked practises cannot amount so high with me.

I can finde a more easie and more naturall spring, from whence to derive all his other Crimes, then from an intent to bring in Tyrannie, and to make his owne posterity as well as us, Slaves, as from revenge, from Pride, from Avarice, from Passion, and insolence of Nature.

But had this of the *Irish* Army been proved, it would have diffused a complexion of Treason, over all, it would have beene a With indeed, to bind all those other scattered and lesser branches, as it were into a Faggot of Treason.

I doe not say but the rest may represent him a man as worthy to dye, and perhaps worthier then many a Traytor. I doe not say, but they may justly direct us to *Enact* that they shall be Treason for the future.

But God keepe mee from giving judgement of death on any Man, and of ruine to his innocent Posterity, upon a Law made *à posteriori*.

Let the mark be set on the dore where the Plague is, and then let him that will enter dye.

I know

I know Master *Speaker*, there is in *Parliament* a double power of life and death by Bill, a judiciall power, and a Legislative: the measure of the one, is what's Legally just, of the other, what is prudentially and politickly fit for the good and preservation of the whole. But those two, under favour, are not to be confounded in Judgement. Wee must not peece up want of Legality with matter of convenience, nor the defailance of prudentiall fitnesse, with a pretence of legall Justice.

To condemne my Lord of *Strafford* judicially as for Treason, my conscience is not assured that the matter will bear it.

And to doe it by the Legislative power, my reason consultively cannot agree to that, *since I am perswaded, neither the Lords nor the King will passe the Bill, and consequently that our passing it will be a cause of great divisions and combustions in the State.*

And therefore my humble advice is, that laying aside this Bill of *Attainder*, we may think of another, saving only life, such as may secure the State from my Lord of *Strafford*, without endangering it, as much by division concerning his punishment, as he hath endangered it by his practices.

If this may not be hearkned unto, let me conclude in saying that unto you all, which I have throughly inculcated to mine owne conscience upon this occasion. *Let every man lay his hand upon his heart, and sadly consider what we are going to doe, with a breath, either justice or murther; justice on the one side, or murther heightned and aggravated to its supreamest extent.* For as the *Casuists* say, that he who lyes with his sister commits incest, but he that marries his sister sinnes higher, by applying Gods Ordinance to his crime: *So doubtlesse he that commits murther with the sword of Justice, heightens that crime to the utmost.*

The danger being so great, and the case so doubtfull, that I see the best Lawyers in *diametrall opposition* concerning it,

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Let every man wipe his heart, as he does his eyes, when hee would judge of a nice and subtile object. *The eye, if it be pretincted with any colour, is vitiated in its discerning. Let us take heed of a blood-shotten-eye of Judgement.*

Let every man purge his heart cleare of all passions, (I know this great and wise body politick can have none, but I speak to inviduals from the weakness which I finde in my selfe.) Away with personall animosities, away with all flatteries to the people, in being the sharper against him, because he is odious to them; away with all feares, lest by the sparing his bloud they may be incenst; away with all such considerations, as that it is not fit for a *Parliament, that one accused by it of Treason should escape with life.*

Let not former vehemence of any against him, nor feare from thence, that he cannot be safe while that man lives, be an ingredient in the sentence of any one of us.

Of all these corruptives of judgement, Mr. *Speaker*, I doe before God discharge my self to the uttermost of my power,

And doe with a cleare Conscience wash my hands of this mans blood, by this solemne protestation, that my Vote goes not to the taking of the Earle of *Straffords* life.

FINIS.

Sir THOMAS ROVVES REPORTS, To the COMMONS HOUSE of PARLIAMENT. 1640.

Maſter Speaker,

I Am to make a Report of what was delivered at the conference of a Committee of both Houſes of Parliament upon Thurſday laſt.

I hope, *Maſter Speaker*, ſo much upon the favour of this Houſe that they will give mee leave to be a Reader, and that they will not expect from my age and weakneſſe a particular repetition of the ſame words, a taske too great for my memory unpractiſed for many yeares in ſuch exactneſſe; neither am I able to repreſent without diminution, that life, and grace, that thoſe relations received from ſo great abilities, deſiring their Lordſhips pardon, and your acceptance of the ſubſtance and matter, wherein I hope I ſhall omit nothing ſubſtantiall; and if I could repeate every word, yet would it want as much luſter as copies of ordinary hands, doe of the beſt originals.

My Lord Keeper did firſt let us know, that his Majeſty had commanded the Lords Commiſſioners of the great Councell, to give an account of their Treaties at Yorke and Rippon, to both Houſes; and of his Majeſties gracious intentions, in a buſineſſe ſo much importing the honour and ſafety of the Kingdome, that there might be made a faithfull relation with all

candor and clearneſſe, which was the ſumme of his Majeſties inſtructions.

His Lordſhip declaring that my Lords of the upper Houſe, for the ſaving of time, had thought fit to give this account to a Committee of both Houſes, which hath occaſioned the meeting at this Conference; and election being made of the Earle of Briſtoll by the Lords Commiſſioners, he began his Narration, directed to the Lords of the upper Houſe, and to the Knights, Citizens and Burgeſſes of the houſe of Commons: and thus the Earle of Briſtoll began;

That the Lords Commiſſioners intended not to looke further back into the buſineſſe, then the Acts of their own imployments.

They did intend to give no account of the pacification interrupted, nor war renewed; no account how the Armies in England, Ireland, and by Sea were deſigned, nor of any occaſion: They purpoſed not to lay fault upon any man, nor to enquire into the cauſe why the Scots (as they pretended from neceſsity) were drawne to enter this Kingdome, nor why the Kings Army, when ſervice was to be done, was out of the way; But that thoſe through whoſe hands theſe have paſſed, might hereafter give their own account.

His Lordſhip told us, that his Majeſty was pleaſed to call his great Councell at Yorke, to whom he made two propoſitions.

The firſt was, how his Army, which ſeemed to be in diſtreſſe for want of pay, ſhould be relieved and maintained.

To this, to ſhew their duties to the King, the Lords reſolved to ingage themſelves, and to that purpoſe to ſend choſen Deputies to London, to negotiate a ſupply.

The ſecond propoſition was, that after the Scots had paſſed Northumberland, taken Newcaſtle, and poſſeſſed the Biſhopricke of Dureſme, they ſent a Petition

tition to his Majesty, which containeth, in generall termes, a desire to have their grievances taken into consideration.

Which Petition and Answer thereunto was read unto us, and presented for our clearer understanding. A. N. A.

Upon receipt of his Majesties Answer, the Scotish Lords sent his Majesty a second Petition, directed in a Letter to the Earle of Lanrick, in which they made their particular demands, and declared, that, according to his Majesties command, they would advance no further; and this Petition was also read and delivered unto us, of which his Lordship desired that great Assembly to take especiall notice, for that much of the future discourse would depend upon it. K. Q.

The businesse thus stated at the great Councell, the second proposition was, what Answer should be made to that Petionary Letter, and in what manner it should be carried; In which his Majesty required their Councell.

Whereupon the Lords replyed, that it was impossible for them to give any well grounded advice, unlesse the true state of his affaires, and the Condition of his Army were laid before them.

Whereupon his Majesty commanded the Earle of Traquaire, to make the Narration of the Scotish businesse, and their late Acts of Parliament, and the Lord Lievtenant generall, to give an account in what condition the Army stood, and what was answered by my Lord Lievtenant, was read in his owne words. N. L.

Besides this declaration, the Earle of Bristoll delivered upon a further enquiry, how the state of the businesse then stood:

That the Scots Army had passed Northumberland without resistance; that they had disputed the passage

of the River of Tyne at Newburne, where our horſe retyred in diſorder; that his Majeſties foot Army conſiſting of twelve or fourteene thouſand men in Newcaſtle, likewiſe retired to Yorke, whereby the Towne of Newcaſtle, a place of great conſideration, was without one ſtroke ſtrucken, fallen into the Scots hands, and the Biſhopricke of Dureſme drawn under Contribution.

That in this ſtate, the Gentry of the Biſhopricke repayred to Maſter Treaſurer, who carryed them to his Majeſty, from whom they were referred to my Lord Lievtenant of the Army, who gave them this anſwer poſitively; That they could looke for no help nor protection from the King, and therefore they might uſe the beſt meanes they could to preſerve their lives and eſtates. Whereby thoſe diſtreſſed Provinces, the ancient Bulwarks of this Kingdome, full of brave and valiant men, being now fallen into the power of an Army, which of neceſsity muſt live, were forced to conſent to a contribution by Treaty, and a very heavy one, though ſuch without which the Scotiſh Army could not ſubſiſt.

The agreement was 350. *l.* a day for the Biſhopricke of Dureſme, 300. *l.* a day for Northumberland, 200. a day for the Towne of Newcaſtle, in all 850. *l.* a day; which, ſhould it continue, would amount unto 300000. *l.* for one yeare.

Theſe Gentlemen much lamented their eſtates that the Scots ſhould be irritated (as they call it) by being proclaimed Traytors.

His Lordſhip made a little digreſsion, and asked leave to ſpeake truth in ſuch language, as the Scots had preſented their ſtate unto them: That having proclamation made againſt them, being threatned with a great Army of thirty or forty thouſand men; another of ten thouſand out of Ireland, and by Parliament

ment declared Traytors and Rebels, and having heard of another Army providing, of eight or ten thousand by shipping to hinder their Trade, at least their Commerce with England, that they were drawne together by necessity, as they pretended, of defence; further alledging that it was a common discourse, of which they had seene papers, that they should bee reduced into a Province, which would be but one Summers worke; and therefore they having drawne their power together, as any Nation would doe, and being assembled, and their Country being poore, taking advantage of the time, and that all those Armies that should oppose them were out of the way, and those unfortunate Provinces left like a list of Cloath; they were forced to enter in England; that thus they had lamented, and thus the state stood before the Lords, when it was examined in the great Councell.

Thus their Lordships found, that the Scots had increased their confines neere fourescore miles in England, and had passed the Rivers of Tweed and Tyne; and that the River of Tees the boundary of Yorkeshire, (Duresme being possessed) was not to be defended, being foordable in many places by forty horse a front; that if the Scots should passe that River, there was no possibility to hinder them from comming to Yorke, or to any part of England, without hazarding a Battell, which my Lord Lievtenant had declared unto them he would not advise, for though the Kings Army consisted of seventeene of eighteene thousand good bodies of men; yet being untrained and unused to Armes, he would be loath to hazzard such an Adventure upon them; but if they should advance to Yorke, hee might make good that Citie: This being the case as it was presented, my Lords advised his Majesty that they conceived the fittest way

was, that the Scots and their grievances might bee heard.

And whereas their maine Complaint had beene, that their Petitions to his Majesty had beene conveyed by Conduits of an evill relliſh, that there might be choſen ſuch Lords Commiſsioners, of whoſe integrity they could not doubt.

Whereupon, his Majesty was pleaſed to referre the choyce of the Commiſsioners to the great Councell, who made the election with the aſſent of his Majesty, to whom power was given, under the great ſeale of England, to heare whatſoever the Scots would lay before them; and to enter into Treatie with them, and to give ſafe conducts, and to do all things preparatory to a Treaty.

The Commiſsioners names N. B.

The firſt place of meeting was appointed at North-Allerton, but ſome inconveniences being found, it was by conſent transferred to Rippon.

For the inducement of this meeting, a Letter of the Lord Lanricks to the Scots Commiſsioners was read and given unto us. N. B.

The Treaty thus ſettled, the Lords to be imployed receiving inſtructions from his Majesty, by the conſent of the great Councell; it was agreed they ſhould treat upon the whole buſineſſe propounded by the Scots, and left to their diſcretion to treate of a Ceſſation of Arms, as the ordinary fore-runner of all Treaties of Peace.

When their Lordſhips came to Rippon, the Ceſſation of Armes was the firſt propoſed, but being entered upon it, the Scots Commiſsioners did let their Lordſhips know, that there was ſomething neceſſary firſt to be done, that the Countreys where they lay were become poore; that they could not thinke, as their affaires ſtood, of returning home; that his Majesty had reſtrayned them from paſsing further: ſo that

that a Treaty in this Exigent was worſe then a Warre, unleſſe meanes might be thought upon how they might ſubſiſt; and hereupon they did propound, that if it were expected that they made no further progreſſe therein, obeying his Majeſties command, which nothing but invincible neceſsity ſhould force them to tranſgreſſe, by plundring the Countreys, they muſt have maintenance for their Army.

This motion ſeemed very ſtrange to their Lordſhips, that it ſhould be demanded to provide a maintenance for the Scots, when the Kings owne Army was in great diſtreſſe; yet the neceſsity ſeemed to be ſuch on both ſides, that the Lords appointed ſome of their Company to repaire to the King at Yorke, to acquaint his Majeſty with the Scots demand.

Upon debate of the buſineſſe, though it were of hard digeſtion to his Majeſty, the Lords, and the whole Kingdome, that they, whoſe Anceſtors had been called to adviſe upon the Ranſome of Kings, ſhould now come to conſult how to maintaine an Army got into our owne bowels; Therefore, their Lordſhips would not proceed without the knowledge of his Majeſty and the great Councell; where it was found neceſſary, not for mainta ining the Scots Armies (for they might eaſily ſupply their owne wants by plundring, in which courſe they might get a million, whereas five thouſand pounds would ſerve but for two months) but to preſerve the Countreys from utter ruine, and the Scots from further advancing, to give to their Lordſhips Commiſsion to treate for a competency of maintenance during the Treaty.

The firſt demand was forty thouſand pounds a moneth, which by Treaty was reduced thus: That inſtead of giving them any allowance, they ſhould bee left to their proportion of that contribution already agreed upon by the Counties, as leſſe diſhonourable

nourable then to assigne them maintenance.

N. D. E. This point being thus settled, their Lordships proceeded to the Treaty of Sessions, and both were agreed and concluded, his Lordship proposing the Articles themselves to bee read for more satisfaction.

His Lordship proceeded, that these preparatives being settled at Rippon, twenty miles from Yorke, and the time far spent, and the Parliament approaching, their Lordships resolved to bee humble suitors to his Majesty, that the generall Treaty might be transferred to London, by consent of both parties thereunto agreeing.

Here his Lordship proposed the reading of a Letter whereby this translation of the Treaty was moved, which was done and delivered unto us.

To this Letter his Majesty made a gracious answer, and consented to transferre the Treaty to London, where some of the Scots Commissioners are already arrived, and the rest within a day or two expected.

Their Lordships having proceeded in the Treaty as far as they could goe, repaired to Yorke, and both Articles concluded were read in his Majesties presence; and that they declared that they had in all things punctually observed their Instructions, whereupon his Majesty required them to give their counsell, whether he should ratifie and signe these Articles or not.

To which the Lords made answer, that they had served his Majesty in quality of Commissioners Ambassadours and had duly observed their Instructions; but now He being pleased to aske their advice, they would bee glad to serve him according to their consciences, and therefore besought his Majesty for leave to retire themselves, and consult of the businesse; to

which

which his Majesty was graciously pleased to consent.

Upon resolution, considering the great strait into which his Majesties affaires were reduced, they concluded to advise his Majesty to signe, and craved leave to present unto his Majesty a declaration of their reasons; which were accepted and read in the great Councell.

And their Lordships held it necessary to bee read againe in that great Assembly, as the rest of their Councell. *N. C.*

These reasons being read, his Majesty was pleased to ratifie the Articles in expresse words also read unto us.

His Lordship concluded this Narrative as the full account of the Treaty, and proceeding in it to his Majesties ratification; and craved leave in the next place, to present the hard and wofull condition in which his Majesties affaires then stood in the North: *N. D.*

First, that by consent a contribution of 850. *l.* a day was agreed.

That there was already some doubt that the Countries were not able to beare it.

On the other side, it was objected by the Scots, that it was impossible if the payment should faile, to keepe their promise; for to obey his Majesty, but that they should be necessitated against their will to plunder the Country.

These doubts considered, it was declared by my Lord Lievtenant, that the Counties of Cumberland and Westmerland being at pleasure under the Scots power, it was reasonable that *in subsidium* they should contribute some helpe to their Neighbours: But hee declared since their Lordships coming away, the Commissioners left at Duresme had written, that it

 was

was impoſsible for them to proceed in the agreement; which if it were broken on their part, the Scots would alledge an impoſsibility to conſent to ſtarve; ſo that if ſome meanes were not found, by which thoſe Counties engaged might bee relieved, hee was affraid all their labour and Treaty would come to nothing: and this letter was read and preſented unto us.

N. H. His Lordſhip repreſented, that the Commiſsioners and all the Lords had engaged themſelves faithfully and truly to declare to the Parliament the diſtreſſe of the Counties.

Hee declared that it was far from their Lordſhips purpoſe to move any ſupply of money from the Houſe of Commons, but to lay the cauſe before them, and to leave it to their wiſedome; averring certainly that if ſome courſe were not taken, the whole kingdome would be put into diſorder; Armies would not ſtarve, retiring was not yet as hee thought in the thoughts of the Scots: Therefore they muſt plunder and deſtroy, or advance into Yorkeſhire, and ſo into England to ſeeke ſubſiſtence; the prevention whereof did highly import the King and kingdome.

His Lordſhip propoſed another, no leſſe worthy of conſideration to the whole kingdome: But if the Scots Army were provided of a competency for the eaſe of thoſe Counties, it were very ſtrange there ſhould not an equall care be had for mainteining the Kings Army that ſtands before them. He ſaid the Scots Army was ſtrong and powerfull, and little other reſiſtance againſt it, but the impediments of an Army marching in winter: But whether it were fit for a kingdome to bee truſted to accidents of Froſts, with a people bred in Swedland and

and cold Countreys, hee left to their discretion.

His Lordship confessed, that the Scots had made great protestations, and with great execrations averred, that they had no intent to advance forward, but returne when they shall have received satisfaction.

Yet their Lordships did not conceive that the kingdome should relye upon promises or protestations.

Many accidents might happen when a Nation, come from a farre Countrey to a better, should bee told the businesse they come about was just and their quarrell good; who finding themselves in a fat pasture, may pick quarrells which their Leaders, if they should goe about to prevent them of the reward of their vertue and valour.

Upon these grounds his Lordship presented to the generall consideration the supply of his Majesties Army, that it bee not disbanded; which if it should come to passe, Yorkeshire and other parts of England were left to the Scots discretion.

His Lordship said, Hee durst not say the Scots would not come forward, but that it was in their power if they would; and therefore hee recommended this representation to the whole body of the kingdome, to prevent future dangers.

Hee concluded with a prayer to Almighty God, to direct the hearts of all the kingdome, and to give a blessing onely able to remove the great distractions, so many and so grievous, as under which, since the Conquest, this kingdome never laboured.

There were presented unto mee two papers more, the one being Instructions from Newcastle to Sir *Thomas Hope* and others, concerning the contribution; the other an account of Arreers from the eleventh of September to the twentieth of November, which were all read unto us; nor doe I know how or to what use to imploy them.

Master

Mr. RIGBYES SPEECH, In answer to the LORD KEEPERS last SPEECH, 1640.

Master SPEAKER,

THough my Judgement prompts mee to sit still and be silent, yet the duty I owe to my King, my Countrey and my Conscience, moves me to stand up and speake.

Master Speaker, had not this Syren so sweet a tongue, surely hee could never have effected so much mischiefe to this kingdome: you know Sir, *optimorum putrefactio pessima*, the best things putrefied become the worst: and as it is in the naturall, so in the body politick; and whats to be done then *Master Speaker*, wee all know, *ense recidendum est*, the sword, Justice must strike, *ne pars sincera trahatur*.

Master Speaker, it is not the voice, *non vox sed votum*, not the tongue, but the heart and actions that are to be suspected: for doth not our Saviour say it, *Shew mee thy faith by thy workes, O Man*? Now, *Master Speaker*, hath not this kingdome seene, (seene say I?) nay felt and smarted under the cruelty of this mans Justice? so malicious as to record it in every Court of Westminster; as if hee had not beene contented with the enslaving of us all, unlesse hee entailed it to all

posterity. Why shall I beleeve words now, *cum factum videam*? Shall we be so weake men, as when wee have beene injured and abused, will be gained againe with faire words and complements? Or, like little children, when we have beene whipt and beaten, bee pleased againe with sweet meats? Oh no: there be some birds in the Summer of Parliament will sing sweetly, who in the Winter of Persecution will for their prey, ravenously fly at all, upon our goods, nay seize upon our persons; and hath it not beene with this man so, with some in this assembly?

Master Speaker, it hath beene objected unto us, that in Judgement wee should thinke of mercy, and *Bee yee mercifull as your heavenly Father is mercifull*; now God almighty grant that we may be so, and that our hearts and Judgements may be truly rectified to know truly what is mercy, I say to know what is mercy; for there is the point *Master Speaker*: I have heard of foolish pitty, foolish pitty: doe we not all know the effects of it? and I have met with this Epithete to mercy, *Crudelis misericordia*; and in some kind I thinke there may be a cruell mercy: I am sure that the spirit of God said, Be not pitifull in Judgement, nay it saith, Bee not pitifull of the poore in Judgement; if not of the poore, then a *Latiori*, not of the rich; there's the Emphasis. We see by the sett and solemne appointments of our Courts of Justice, what provision the wisedome of our Ancestors hath made for the preservation, honour and esteeme of Justice, witnesse our frequent Termes, Sessions and Assises, and in what pompe and state the Judges in their Circuits, by the Sheriffes, Knights, and Justices, and all the Countrey, are attended oft-times for the hanging of a poore thiefe for the stealing of a hog or a sheep, nay in some Cases for the stealing of a penny, and Justice too, *in terrorem*; and now shall not some of them be hanged

that

that have rob'd us of all our propriety, and sheered at once all our sheepe and all we have away, and would have made us all indeed poore *Bellizaraſſes* to have begged for halfe-pennies, when they would not have left us one penny that wee could have called our owne?

Let us therefore now, *Maſter Speaker*, not be ſo pitifull as that wee become remiſſe; not ſo pitifull in Judgement, as to have no Judgement; but ſet the deplorable eſtate of Great Brittain now before our eyes, and conſider how our moſt gracious Soveraigne hath beene abuſed, and both his Majeſty and all his Subjects injured by theſe wicked Inſtruments; for which my humble motion is, that with theſe particulars wee become not ſo merciſull, as to the generality (the whole kingdome) wee grow mercileſſe.

Fiat Juſtitia.

Maſter

Mr. VVALERS Speech, In the House of Commons, 1640.

Master Speaker,

I Will use no preface, as they use to doe who appeare men for some thing to which they would perswade and move their affections: I will onely propose what I conceive fit for the House to consider, and shall be no more concerned in the event then they that shall heare mee.

Two things I observe in his Majesties demands:

First, the supply,

Secondly, our speedy dispatch thereof.

Touching the first, his Majesties occasions for mony are but too evident; for to say nothing how wee are neglected abroad, or distracted at home, the calling of this Parliament and our sitting here (an effect which no light cause could in these times have produced) is enough to make any reasonable man beleeve that the Exchequer abounds not so much in money, as the State in occasions to use it; and I hope we shall all appeare willing to disprove those who have thought to diswade his Majesty from this way of Parliament, as doubting and uncertaine, and to let him see that it is as ready and more safe for the advancement of his affaires, then any new or pretended old way whatsoever.

Now

Now (*Master Speaker*) for the speedy dispatch required, which was the second thing, not onely his Majestie but *Res ipsa loquitur*; the occasion seemes to importune no lesse: necessity is come upon us like an armed man, and yet the use of Parliaments heretofore, (which appeare by the writs that call us hither) was to advise with his Majesty of things concerning the Church and common-wealth.

And, *Master Speaker*, it hath ever been the custome of Parliaments, by good and wholesome lawes to refresh the Common-wealth in generall, yea and to descend into the remedies of particular grievances, before any mention made of supply. Looke backe upon the best Parliaments, and still you shall finde that the last Acts are the free gift of the Subsidies on the peoples part, and generall pardons on the Kings part; even the wisest Kings have acquainted their Parliaments with their designes, and the reasons thereof, and then demanded the assistance both of their counsell and their purses: But (*Master Speaker*) Physicians (though they be called of the latest) must not stomach it, or talke what might have beene, but apply themselves roundly to the cure; let us not stand too nicely upon circumstances, nor too rigidly postpose the matter of supply, to the healing of our lighter wounds. Let us doe what possibly may be done with reason and honesty on our parts to comply with his Majesties desires, and to prevent the imminent ills which threaten us: but consider (*Master Speaker*) that they that thinke themselves undone can never apprehend themselves in danger, and they that have nothing left can never give freely, nor shall we ever discharge the trust of those that sent us hither, or make them beleeve that they contribute to their owne defence and safety, unlesse his Majesty be pleased, first to restore them to the propriety of their goods and lawfull liber-

ties, whereof they esteeme themselves now out of possession. One need not tell you that the propriety of goods is the mother of courage, and nurse of industry, makes us all valiant in war, and good husbands in peace: the experience I heare of former Parliaments, and my present observation of the care the Countrey hath had to choose persons of worth and courage, makes mee thinke this House like the Spartans, whose forward valour required some softer musicke to allay and quiet their spirits, too much moved with the sound of martiall Instruments. 'Tis not the feare of imprisonment, or, if need be, of death it selfe that can keepe a true hearted English-man from the care to leave this part of his inheritance as intire to posterity as hee received it from his Ancestors.

This therefore let us first doe, (and the more speedily,) that we may come to the matter of supply; let us give new force to the many lawes which have beene heretofore made for the mainteining of our rights and priviledges, and to restore this Nation to the fundamentall and vitall liberties, the propriety of our goods, and freedome of our persons; no way doubting but we shall find his Majesty as gracious and ready, as any of his Royall progenitors have beene, to grant our just desires therein: for, not onely the people doe thinke, but the wisest doe know, that what wee have suffered, wee have suffered from his Ministers. That the person of no King was ever better beloved of his people, and that no people were ever more unsatisfied with the wayes of levying moneys, are two truths which may serve one to demonstrate the other; for such is their accession to the present courses, that neither the admiration they have of his Majesties native inclination to Justice and Clemency, nor the pretended consent of the Judges, could make them

willingly

willingly ſubmit themſelves to this late tax; and ſuch is their naturall loves, and juſt eſteeme of his Majeſties goodneſſe, that no late preſſure could provoke them, nor any example invite them to diſloyalty or diſobedience. But what is it then hath bred this miſunderſtanding betwixt the King and his people? How is it that having ſo good a King, wee have ſo much to complaine of? Why (*Maſter Speaker*) wee are told of the ſonne of *Solomon* that hee was a Prince of a tender heart, and yet we ſee, by the advice of violent counſels, how rough an anſwer he gave to his people. That his finger ſhould bee as heavy as his fathers loynes, was not his owne, but the voyce of ſome perſons about him, that wanted the gravity of moderation requiſite for the Counſellors of a young King. I love not to preſſe Allegories too far; but the reſemblance of *Jobs* ſtory with ours holds ſo well that I cannot but obſerve it to you. It pleaſed God to give his Enemy leave to afflict him more then once or twice, and to take all hee had from him, and yet he was not provoked to rebell ſo much as with his tongue, (although hee had no very good example of one that lay very neere him,) and felt not halfe that which he ſuffered. I hope his Majeſty will imitate God in the benigner part too, and as he was ſevere to *Job* onely while hee diſcourſed with another concerning him, but when hee vouchſafed to ſpeake himſelfe unto him, began to rebuke thoſe who had miſtaken and miſ-judged his Caſe, and to reſtore the patient man to his former proſperity: ſo now, that his Majeſty hath admitted us to his preſence, and ſpoken face to face with us, I doubt not but wee ſhall ſee fairer dayes, and be as rich in the poſſeſſion of our owne as ever wee were. I wonder at thoſe that ſeeme to doubt the ſucceſſe of this Parliament, or that the miſunderſtanding betwixt the King and his People ſhould laſt any longer, now

they have ſo happily met. His Majeſties wants are not ſo great, but that we may find meanes to ſupply him; nor our deſires ſo unreaſonable, or ſo incompetible with government, but that his Majeſty may well ſatisfie them. For our late experience (I hope) will teach us what rocks to ſhunne, and how neceſſary the uſe of moderation is: And for his Majeſty, he hath had experience enough how that proſpers which is gotten without the concurrent good will of his people: never more money taken from the Subject, never more want in the Exchequer. If we looke upon what we have payd, it is more then ever the people of England did in ſuch a time; if we looke upon what hath beene effected therewith, it ſhewes as if never King had beene worſe ſupplyed; ſo that we ſeeme to have acted *Belids* part, whoſe puniſhment was to endevour the filling of a Sive with water. Whoſoever gave advice for theſe courſes, hath made good the ſaying of the wiſe man, *Qui conturbat domum ſuam poſſidebit ventum.* By new wayes they think to accompliſh wonders, but in truth they graſpe the winde, and are in the meane time *ſævus ambobus Achilles*, cruell to us, and to the King too: for if the Common-wealth flouriſh, then hee that hath the Soveraignty can never want nor doe amiſſe, ſo as hee governe not according to the intereſt of others, but goe the ſhorteſt and the ſafeſt wayes to his owne and the common good, with regard how they ſtand in order to any private mans deſires, or a preſervation. The Kings of this Nation have alwayes governed by Parliaments: And if wee looke upon the ſucceſſe of things ſince Parliaments were layd by, it reſembles that of the Grecians, *Ex illo fluere & vetito ſublapſa referri Rex Danaum*, eſpecially on the Subjects parts; for though the King hath gotten little, they have loſt all: but his Majeſty ſhall heare the truth from us, and wee ſhall make

make to appeare the errors of Divines, who would perſwade us that a Monarch can be abſolute, and that he may doe all things, *ad libitum*, receding not onely from their text, (though that be a wandring too) but from the way which their owne profeſsion would teach them, *Stare ſuper vias antiquas*, and remove not the ancient bounds and land-markes which our Fathers have ſet. If to be abſolute were to be reſtrained by no lawes, then can no King in Chriſtendome be ſo, for they all ſtand obliged to the Lawes Chriſtian, and we aske no more: For to this Pillar are our priviledges fixt, our Kings at their Coronation taking a ſacred oath not to infringe them. I am ſorry theſe men take not more care of informing our faith of thoſe things which they tell us for our ſoules health, whiles we know them ſo manifeſtly in the wrong, in that which concerns the liberties & priviledges of the Subjects of England: But they gaine preferment, and then 'tis no matter, though they never beleeve themſelves nor are beleeved of others. But ſince they are ſo ready to let looſe the Conſcience of our Kings, we are the more carefully to provide for our protection againſt this Pulpit-Law, by declaring and re-inforcing the Municipall Lawes of this kingdome. It is worth the obſerving how new this opinion is, or rather this way of riſing, even amongſt themſelves. For, Maſter *Hooker*, who ſure was no refractory man (as they terme it) thinkes that the firſt Government was arbitrary, untill it was found, that to live by one mans will became the cauſe of all mens miſeries, (theſe are his words;) and that this was the originall of inventing Lawes. And (*Maſter Speaker*,) if we looke further back, our Hiſtories will tell us that the Prelates of this kingdome have often beene the mediators betweene the King and his Subjects, to preſent and pray redreſſe of their grievances, and had reciprocally

then as much love and reverence from the People: but theſe Preachers, more active then their Predeceſſors, and wiſer then the Lawes, have found out a better forme of Government; the King muſt bee more abſolute Monarch then any of his Predeceſſors, and to them hee muſt owe it, though in the meane time they hazzard the hearts of his people, and involve him into a thouſand difficulties. For, ſuppoſe this forme of Government were inconvenient, and yet (*Maſter Speaker*) this is but a ſuppoſition, for theſe five hundred yeares it hath not onely mainteined us in ſafety, but made us victorious over other Nations; but (I ſay) ſuppoſe they have another Idea of one more convenient, wee all know how dangerous Innovations are, and what hazzard thoſe Princes runne, that enterpriſe the change of a long eſtabliſhed Government. Now (*Maſter Speaker*) of all our Kings that have gone before, and of all that are to ſucceed in this happy race, why ſhould ſo pious and ſo good a King bee expoſed to this trouble and hazzard? beſides that, Kings ſo diverted can never doe any great matter abroad. But (*Maſter Speaker*) whiles theſe men have thus bent their wits againſt the Lawes of their Countrey, whether they have neglected their owne Province, and what Tares are growne up in the field which they ſhould have tilled, I leave it to a ſecond conſideration; not but that Religion ought to bee the firſt thing in our purpoſes and deſires, but that which is firſt in dignity is not alwayes to precede in order of time; for, well-being ſuppoſes a being, and the firſt impediment which men naturally indevour to remove, is the want of thoſe things without which they cannot ſubſiſt. God firſt aſſigned unto *Adam* maintenance of life, and gave him a title to the reſt of the Creatures before he appointed a Law to obſerve. And let me tell you (if our adverſaries have any ſuch

deſigne)

deſigne) as there is nothing more eaſie then to impoſe Religion on a People deprived of their Liberties, ſo there is nothing more hard then to doe the ſame upon Freemen. And therefore (*Maſter Speaker*) I conclude with this motion, that an order may bee preſently made, that the firſt thing this Houſe will conſider of, ſhall be the reſtoring this Nation in generall to the fundamentall and vitall Liberties, the propriety of our goods, and freedome of our Perſons: and that then wee will forthwith conſider of the ſupply deſired; and thus wee ſhall diſcharge the truſt repoſed in us by thoſe that ſent us hither, his Majeſty will ſee that wee make more then ordinary haſte to ſatisfie his demands, and wee ſhall let all thoſe know that ſeeke to haſten the matter of ſupply, that they will ſo far delay it, as they give interruption to the former.

A Speech

A Speech made by the Honourable DENZELL HOLLES, Esquire, at a Conference by a Committee of both Houses of Parliament in the painted Chamber, *May* 4. 1641. in the presenting of the Protestation.

My Lords,

THe Knights, Citizens and Burgesses of the House of Commons, having taken into their serious consideration the present estate and condition of this Kingdome, they find it surrounded with variety of pernitious and destructive designes, practices, and plots against the well-being of it, nay, the very being of it, and some of these designes hatched within our owne bowels, and, viper-like, working our destruction.

They finde Jesuites and Priests conspiring with ill Ministers of State to destroy our Religion: they find ill Ministers conjoyned together to subvert our Lawes and Liberties.

They find obstructions of Justice, which is the life bloud of every State, and (having a free passage from the Soveraigne Power, where it is primarily

marily ſeated, as the life bloud in the heart, and thence derived through the ſeverall Judicatories, as through ſo many veines into all the parts of this great collective Body) doth give warmth and motion to every part and member, which is nouriſhed and enlivened by it. But being once precluded, ſtopped, and ſeared up, as the particular muſt of neceſſity faint and languiſh, ſo muſt the whole frame of Government bee diſſolved: and conſequently Soveraignty it ſelfe, which as the heart in the body, is *Primum vivens, & ultimum moriens*, muſt dye and periſh in the generall diſſolution, and all things returne, as in the beginning, *in antiquum Chaos.*

They find the propriety of the ſubject invaded and violated, his eſtate rent from him by illegall Taxations, Impoſitions, Monopolies and Projects (almoſt upon every thing which is for the uſe of man) not onely upon ſuperfluities, but neceſſaries; and this to enrich the vermine and caterpillers of the Land, and to impoveriſh the good ſubjects, to take the meate from the children, and give it to dogges.

My Lords, If we find theſe things ſo, wee muſt conceive, they muſt bee ill counſels which have brought us into this condition: Theſe counſels have put all into a combuſtion, have diſcouraged the hearts of all true Engliſh men, and have brought two Armies into our bowels, which (as the Vulture upon *Prometheus*) eate through our ſides, and gnaw our very hearts.

Hinc dolor? sed unde medicina?

Heretofore Parliaments were the *Catholicon*, the Balme of Gilead which healed our wounds, restored our Spirits, and made up all the breaches of the Land; But of late yeeres they have beene like the Fig-tree in the Gospel, without efficacy, without fruit, onely destructive to the particular members, who discharge their duties and consciences, no way beneficiall to the Commonwealth; *Nobis exitiabile, nec Reipub. profuturum*, as he said in *Tacitus*; commonly taken away, as *Elias* was, with a whirle-winde, never coming to any maturity, or to their naturall end; whereas they should bee like that blessed old man, who dyeth (*plenus dierum*) in a full age, after hee hath fought a good fight, and overcome all his enemies; as the shock of wheat which cometh in in due season, to fill our Granaries with Corne, uphold our lives with the staffe of bread.

For, Parliaments are our *panis quotidianus*, our true bread; all other wayes are but *Quelques choses*, which yeeld no true nourishment, breede no good bloud.

This very Parliament which hath sate so long, hath all this while but beaten the ayre, and striven against the streame; for I may truely say, winde and tide have still been against us.

The same ill counsels which first raised the storme, which almost shipwrackt the Commonwealth, do still continue; they blow strong like the East-wind that brought the Locusts over the land.

These

Theſe counſels croſſe our deſignes, caſt difficulties in our way, hinder our proceedings, and make all that we doe to bee fruitleſſe and ineffectuall; they make us to bee not maſters of our buſineſſe, and ſo not maſters of money, which hath been the great buſineſſe of this Parliament, that we might pay the Armies according to our promiſes and engagements.

For, (My Lords) our not effecting of the good things which wee had undertaken for the good of the Church and Common wealth, hath wounded our reputation, and taken off from our credit.

Is it not time then (my Lords) that wee ſhould unite and concentrate our ſelves in regard of this *Antiperiſtaſis* and *circumvallation* of hurtfull and malitious intentions and practices againſt us? (My Lords) it is moſt agreeable to nature, and I am ſure, moſt agreeable to reaſon, in reſpect of the preſent conjuncture of our affaires: for one maine engine by which our enemies work our miſchiefe, is by infuſing an opinion and belief into the world, that wee are not united amongſt our ſelves; but that, like *Sampſons* Foxes, we draw ſeverall waies, and tend to ſeverall ends.

To defeate then the counſels of theſe *Achitophels*, which would involve us, our Religion, our King, our Lawes, our Liberties, all that can bee neere and deare unto an honeſt ſoule, in one univerſall and generall deſolation; to defeate (I ſay) the counſels of ſuch *Achitophels*, the Knights, Citizens, and Burgeſſes of the Houſe of Commons

(knowing themſelves to bee ſpecially intruſted with the preſervation of the whole, and in their conſciences perſwaded that the dangers are ſo imminent that they will admit of no delay) have thought fit to declare their united affections, by entring into an Aſſociation amongſt themſelves, and by making a ſolemne Proteſtation and Vow unto their God, that they will unanimouſly endevour to oppoſe and prevent the counſels, and the Counſellors which have brought upon us all theſe miſeries, and feares of greater; to prevent the ends, and bring the Authors of them to condign puniſhment, and thereby diſcharge themſelves both before God and man.

The Proteſtation your Lordſhips ſhall have read unto you, together with the grounds and reaſons which have induced the Houſe of Commons to make it, which are prefixed before it by way of Preamble.

The PREAMBLE.

WEe the Knights, Citizens, and Burgeſſes of the Commons houſe in Parliament, finding, to the great griefe of our hearts, that the deſignes of the Prieſts and Jeſuites, and other Adherents to the See of *Rome*, have of late beene more boldly and frequently put in practice then formerly, to the undermining and danger of the ruine of the true reformed Proteſtant Religion in His

Majeſties

Majeſties Dominions eſtabliſhed: And finding alſo that there have beene, and having juſt cauſe to ſuſpect that there ſtill are, even during this ſitting in Parliament, indeavours to ſubvert the fundamentall Lawes of England and Ireland, and to introduce the exerciſe of an Arbitrary and Tyrannicall Government, by moſt pernicious and wicked Counſels, Practices, Plots, and Conſpiracies: And that the long intermiſſion, and unhappy breach of Parliaments hath occaſioned many illegall Taxations, whereupon the Subject hath been proſecuted and grieved: And that divers Innovations and Superſtitions have beene brought into the Church, multitudes driven out of His Majeſties Dominions, Jealouſies raiſed and fomented betwixt the King and His people, a Popiſh Army levied in Ireland, and two Armies brought into the bowels of this Kingdome, to the hazzard of His Majeſties Royall Perſon, the conſumption of the Revenues of the Crowne, and Treaſure of this Kingdome: And laſtly, finding great cauſe of Jealouſie, that indeavours have been, and are uſed to bring the Engliſh Army into a miſunderſtanding of this Parliament, thereby to incline that Army, with force to bring to paſſe thoſe wicked Counſels, Have therefore thought good to joyne our ſelves in a Declaration of our united affections and reſolutions.

NOte, That because some doubts were raised by severall persons out of the Commons House, concerning the meaning of these words contained in the Protestation lately made by the Members of that House, *viz. The true Reformed Protestant Religion, expressed in the Doctrine of the Church of England against all Popery and Popish Innovations within this Realme; contrary to the same Doctrine*; The House of Commons did declare, That by those words, was and is meant only the publick Doctrine professed in the said Church, so farre as it is opposite to Popery and Popish Innovations; And that the said words are not to be extended to the maintaining of any forme of Worship, Discipline, or Government, nor of any Rites or Ceremonies of the Church of England.

MY Lords, The House of Commons have commanded me to present unto your Lordships this Protestation: Every member in that House hath made it, not one refusing it; and they have sent it unto your Lordships, with an assurance of your Lordships concurrence in the same zeale and affection for the publick safety. And it is their desire your Lordships would likewise make the same Protestation, which I humbly leave to your Lordships wisdomes.

Directions

Directions for more orderly making of the foreſaid Proteſtation.

IT is thought fit that the Proteſtation which the Parl ment latey made be taken by the Citie of London, in the ſeverall Pariſh Churches, in the afternoon of ſome Lords day, after Sermon, before the Congregationbee diſſolved, by all Maſters of Families, their ſons, and men-ſervants, in manner and forme following, *viz.*

Firſt, That forthwith notice of this intention bee given to theMiniſter, Church-wardens, and ſome other mee perſons of each Pariſh in *London*, Liberties, and adjacent Pariſhes, and ſome of them to give notice tothe reſt of the Pariſhioners.

Secondly, That the Miniſter be entreated (if he pleaſe) to acquaint his Pariſh in his Sermon, either forenoon or afternoon, with the nature of the buſineſſe, more or leſſe, as hee ſhall think fit, for the better and more ſolemne taking of the ſaid Proteſtation; or if the Miniſter refuſe it, that ſome other bee intreated to preach that will promote the buſineſſe; or if neither of theſe may bee had, that ſome other convenient courſe bee taken by ſome well affected to the buſineſſe, to ſtay the Pariſh, and communicate the matter to them.

Thirdly, That the Miniſter or Miniſters of eve-

ry

ry Congregation first take it in his or their owne person, reading the said Protestation in so distinct a voyce, that all present may conveniently hear it, and that all the Assembly present doe make the same Protestation distinctly after this manner, every man taking this Protestation into his hand.

I A.B. *doe in the presence of Almighty God freely and heartily promise, vow, and protest the same which the leading person took, naming the person.*

Fourthly, That there be a Register Book wherin every man taking this vow or Protestation subscribe his name, with his owne hand or mark, and that the names bee taken of such as doe refuse the same.

Fifthly, That all the Parishioners abovesaid, whether in Towne, or out of Towne, be earnestly requested to bee present at their owne Parish Church in the afternoon of that Lords day whereon it shall be taken, that every man may take it in their owne place; and if any bee necessarily absent, that they may bee desired to take it the next Lords day after, or so soon as may bee with conveniency.

Sixthly, and lastly, That all whom it doth not immediately concerne, bee earnestly requested to depart.

FINIS.

SIXTEENE

QVERIES

Propounded by the Parliament of *Ireland*, to the Judges of the same Kingdome.

THat the Judges may set forth and declare, whether the Inhabitants of this kingdome be a free people, or whether they be to be governed onely by the antient common lawes of England.

II.

Whether the Judges of the Land doe take the Oath of Judges, and if so, whether under pretext of any Acts of State, Proclamation, Writ, Letter, or direction under the great or privie Seale, or privie Signet, or Letter, or other commandement from the Lord Lieutenant, Lord Deputie, Justice, Justices, or other chiefe Governor, or Governors of this Kingdome they may hinder, stay or delay the suite of any subject, or his judgement, or execution thereupon, if so, in what cases, and whether, if they doe hinder, stay or delay such suite, judgement or execution, what punishment they incurre by the Law for their deviation and transgression therein.

III.

Whether the Kings Majesties privie Counsell, either togeather, or with the chiefe Governor or Governors of this Kingdome, without him or them be a place of Judicature, by the common Lawes, where in case between party and party for Debts, Trespasses, Accounts, Covenants, possessions, and title of Land, or any of them, and with them may be heard, and determined, and of what civill Causes they have jurisdiction, and by what Law, and of what force is their order or Decree, in such cases or any of them.

IV.

The like of the chiefe Governors alone.

V.

Whether Grant of Monopolies be warrantable by the Law, and of what, and in what Cases, and how, and where, and by whom, are the Transgessors against such Grantees punishable, and whether by Fine and mutilation of Members, imprisonment, losse, and forfeiture of goods, or otherwise, and which of them.

VI.

In what Cases the Lord Deputie, or other chiefe Governors of this Kingdome and Counsell, may punish by Fine, imprisonment, Mutilation of Members, Pillory, or otherwise, they may sentence any to such the same, or the like punishment, for infringeing the commands of any Proclamation, or Monopolie, and what punishment doe they incurre, that doe vote for the same.

VII.

Of what force is an Act of state or Proclamation in this Kingdome

Kingdome to bind the liberty, goods, poſſeſſions, or inheritance of the natives thereof, whether they or any of them can alter the common Law, or the infringers of them loſe their Goods, Chattels, or Leaſes, or forfeit the ſame by infringing any ſuch Act of State or Proclamation, or both, and what puniſhment doe the ſworne *Judges* of the Law, that are privie Counſellors, incurre that vote for ſuch Act and execution of it.

VIII.

Whether the ſubjects of this Kingdome be ſubiect to the Marſhall Law, and whether any man in time of peace, no enemy being in the fields, with diſplayed colours can be ſentenced to Death, if ſo, by whom, and in what caſes, if not, what puniſhment doe they incurre that in time of peace, execute Marſhall Law.

IX.

Whether voluntary Oathes taken freely before *Arbitrators*, or others for affirmance, or diſaffirmance of any thing, or for the true performance of any thing, be puniſhable in the *Caſtle-Chamber*, or in any other *Court*, and why and wherefore.

X.

Why, and by what Law, and upon what Rule of policie is it, that none is admitted to reducement in the Caſtle-chamber, untill he confeſſe the offence for which he is cenſured, when as *Re vera* he might be innocent therof, though ſubordined *proofes or circumſtances*, might induce him to be cenſured.

XI.

Whether the Judges of the Kings Bench, and by what law, doe or can deny, the copies of Indictments, of Felony, or Tyeaſon to the parties accuſed of Treaſon, contrary to the ſtatute of 42. *Edw.*3.

XII.

Whether the ſtatute of *Baltinglaſe* take from the Subiects, out-lawed for Treaſon, *though erroniouſly*, the benefit of his *Writ of Error*, and how and by what meanes, that blin clauſe not *warranted*, by the body of that Act came to be inſerted, and by what Law is it countenanced to the diminution of the liberty of the ſubject.

XIII.

What power have the *Barons* and the Court of *Exchequer*, to raiſe the reſpite of homage *Arbitrarily* to what value they pleaſe, and to what value they may raiſe it, and by what law they may diſtinguiſh betweene reſpite of homage, upon the diverſities of the true value of the Fees, when as all Eſcuage is the ſame for great and ſmall Fees, and they apportionable by *Parliament*.

XIIII.

Whether it's cenſurable in the ſubjects of this Kingdome, to repaire into *England* to appeale to his Majeſty for *Redreſſe* of *Injuries*, or for other their *accuſers*, if ſo, why, and in what condition of *perſons*, and by what law.

XV.

Whether *Deanes* and other *Dignitanies* of *Cathedrall Churches*, be properly *de mero jure donative*, by this King, or not *elective or collative*, if ſo, why, and by what law, and whether the confirmation of a Deane *de facto* of the Biſhops Grantee be good, and valid in the law, or no, if not, by what law.

XVI.

Whether the iſſuing of *Quo Warranto's* againſt *Burroughes*, that antiently, and recently ſent Burgeſſes to the Parliament, to ſhew cauſe why they ſent Burgeſſes to the Parliament be legall.

CAPTAINE

CAPTAINE *AVDLEY MERVINS* SPEECH,

To the Houſe of Commons in *Ireland*,

Mr. *Speaker*,

IT was equall care and policy in our Predeceſſours. Firſt to lay a foundation, and then by a continued induſtry to build and perfect ſo glorious a fabrique as the houſe of Commons lawfull ſummoned by the Kings writ repreſents it ſelfe unto us at this day. In which ſo elaborate and exquiſite a ſtructure being finiſhed and crowned with thoſe fruitfull and peace-ſpeaking events, may challenge by right the title of a *Jubile*.

To ſo great a modell with neate and provident husbandry they intend no leſſe then ſutable furniture (which allowed pride) diſdaine to cloath it with any other, but with what by his Majeſties favour they had procured out of his owne ſtore; I meane thoſe great and large priviledges, which by ſeverall acts of royall favor have bin diſpenſed, annexed, nay hypoſtatically united, to the ſame Priviledges are the ſoule, by which we move the Sinues and Nerves, by which we are compacted, they are them,

by which we breath. Priviledges for their birth allyed to the Kings Prerogative, for their antiquity sacred, for their strength so re-intrenched by common law, fortified by statutes, insconsed by precedents of all times, that no man ever attempted their violation with impunity, so that now and then it may be truly said, The Kings house is all glorious within. *If we which are Heires to their lawes, as unto their lands, will strive to make no addition to the rich inventurie of those priviledges they have bequeathed unto us, yet with united spirits, let us all at least prevent the dilapidation, nay the diminution of the least of them.*

This present occasion of debating Mr. *Fitz-Gerralds* petition exhibited to this honorable house, sets before us blessings and cursings, and is the first leafe (as wee may terme it) of the house of commons Almanak, not made to serve for one, but for many yeers, and calculated to serve indifferently for all latitudes, in which, our carriage makes this and all succeeding dayes but servil and working daies, or otherwise imprints this day and our priviledges in a conspicuous, plausive rubrique to posterity; whilest the Palladium was in *Troy*, neither the power nor the long siege of the *Grecians*, could prevaile against it, whilest *Minoes* purple lockes curled from their native roots, *Creete* was unvanquished. The Morall of these (*afflictions*) emphatically preach and teach us this *Doctrine*, that the safety, pregnancy, glory, and strength of this house, is but only sent us upon this condition, whilest we keepe, preserve, and defend our liberties, our rights, our priviledges unbetrayed, unsuppressed, and uncontrolled: if any more allyed to the corruptions of our owne distempers, then challenging an interest in us by a legitimate birth, could involve this grave and great assembly, in such epidemicall liturgie, as directly to snore, *or at least to wink whilest our priviledges cloathed in a purple robe of glory (like a word never to be recalled) escape from among us, I say if ungratefull, I should cut off the inheritance of these immunities entailed upon*

us,

us, and confirmed as a monumentall portion upon this younger brother of state, this House of Commons, what can we expect, but that our Fathers Ghosts apparelled with indignation, should appear unto us with this or the liking branding phrase. Most ungratefull and unfortunate posterity. *O ætas parentum pejor Avis*; better had it bin for you not to live then to out-live your owne infamie. If there had been a necessity, you should involve your selves in a general-guilt, the election ought to have beene of such a one as might have died with your selves; but this like originall sinne, binds your posterity to sigh for a redemption. Did we bequeath unto you those faire ornaments to be stolne or snatched from you? Oh, where, where was your vigilancy and boldnesse to present so disasterous and fatall a consequence. Did we with no better successe of imitation by your labour, and even unto hoarsenesse contend in the Parliament held 39. *Hen.* 6. as Prophecying your weakenesse, leave you a record to build upon? Where we admitted and priviledged one *Walter Clarke* a Burgesse of *Chepengham*, though at that time in execution *ad sect. Reg.* Did we for this purpose recommend unto you *Ferrars* case and our proceecings against the disturbers of his right? Did we for this purpose recommend unto you *Belgraves* case 43. of the Queene. *Who notwithstanding he procured his election in Winchester by colluſion*, yet *Maugre* the great opposition raised by the Earle of *Huntington* upon the sight of the Sheriffes returne (a sufficient amerment to satisfie us) we admitted and confirmed him in the protection of our house, did we for this purpose exemplifie unto you the case of *Richard Chidder*, 5. *Henry* 4. who being arrested in his journey towards the Parliaments (where note that the date of the election is the date of the priviledge.) They are twins of one birth, wee ingraft them as a twig to bee writh'd by our common roote, and quickly lopt off that so perilous authority which would prunne our branches. Nay Mr. *Speaker*, our fellowes labouring Parliament in

England,

England, with their hearty commendation have transmitted unto us a precedent from each house. The house of the Lords opening the gates of the Tower to prepare an entry to the censured Bishop of *Lincolne*, and the house of Commons with like imitation and like successe having performed the same in Sir *John Elliot* and innumerable others. But now I will endeavour to allay the distempered spirits of our Fathers, whilest with more patience and duty we attend the modest corrections of our indulgent King. And so *exeunt Patres*, and *Intr. H.* 8. in his owne person commending the resolution and zeale of the house of Commons in preserving the lustre of their owne Priviledges from being Eclipsed, aledging himselfe to be interessed in them, since that he and they, knit together, compleated one body, who in this our deserved calamities, would not rather imitate us by scoffs, then qualifie our untimely repentance by absence of our owne murdering wrongs. What may not *E.* 4. exprobrate unto us, who in the 3. yeare of his raigne, records his regall pleasure to posterity? That all Acts, Suites, judgements, censures *& qui dicit omne excludit nullum*, awarded against any Member of Parliament, should be utterly void and frustrate, crowning the Act with an Emphaticall epiphonema, and this act to endure for ever. And surely common reason is pregnant in the justification thereof. That where the publique service and good is primarily intended, a superfedias must issue to private respects, since they cannot stand in competition, and inhabit our sheare. If their judgements are not yet calmed and setled, behold his Majesty, that now is, cloathed in his royall Robes, and thus speaking unto you from underneath his state. Gentlemen, why stagger you thus, that are your selves the pillars of the commonweale, you are not upon breaking the Ice, nor bound upon the discovery of the unknowne world, each leafe reports your precedents that are like Maps that secure and expedite your fortunate Navigation. From me you can

expect

expect no more satisfaction, then what I have declared in the third yeer of my Raign, in answer to the Petition of Right in Parliament, that I am interested in the maintaining of the Priviledges of this House, being a main Pillar of the liberty of my Subject, the goods of one being seised in my name, and for my use, for denying Tonnage and pondage, they reassumed, he being at the time of that seisure a Member of the House, and whether I distasted, sure I am, I had no redresse. As for the tender care of my interest in the fine of 10000l. and that you admitted my Atturney generall to a favourable hearing in my behalf, though against your selves (a Parliamentary custome not to be written in small Print) I thank you Gentl men, yet I think you know, as well as I, that these great sounding Fines to me, have in their effects, but short and little accounts, if there be 3. bags, the little one is mine: The 5000l. dammages to the party (a summe equall) or more to the defendants estate) is as much as *Magna Charta*, by those words of *salvo contenemento*, would warrant: Therefore my Judges, by dividing it, might have considered me somewhat, whereas now the old proverbe binds me, Where there is nothing left, the King loses his right.

Now Mr *Speaker*, in a Parliamentary way, we must withdraw and enter into our own Sphear. Enter into a discusse of those objections, that impugne Mr *Fizt-Gerralds* election, admittance and priviledge of this House;

The first that ushers in the train, is a sentence cloathed in sable, standing on tip-toe, and with a rusty dagger thrusting at a starre, I mean a sentence speaking errour, a sentence visitng the third and fourth generation, a sentence striving to leap over the bounds of *Magna*

charta, thirty times confirmed, a sentence awarded against a *Judge* of a higher Court, than from which it issued. The cause in question is to nullifie this sentence, which if he appear a person capable of his priviledge, *more sui vivit*, and then neither it, nor any thing derivatory, or collaterall to it, may be admitted against him by the rules of common, civill, or common Law, it being a maxime consonant to them all. *Non potest adduci ejusdem rei exceptio cujus petitur dissolutio.* Now to prove this sentence void (Mr. *Speaker*) I being no professor of the Law, yet a Disciple of reason, and the body of the audient Subject to the like guilt: I will couch my self in arguments, *quæ probant & non probantur*, having precedents and Book-cases to the learned long Robe: Then thus I argue. By the Star. 3. *E.* 4. All judgements, censures, sentences, &c. awarded against a member of Parliament are void, so was this government: some may say, the King is not here included, I say (*qui dicit omne, excludit nullum*) And experience, the mother of knowledge, teacheth the same in precedents afore rehearsed, and one I will adde for all, which *Trewman*, 38. *Hen.* 8. who was in execution upon a writ of exigent after *Capias ad satisfaciend.* at the Kings suit, and yet priviledged, besides this is not at the Kings suit, for the King is interessed here but secondarily both in name and profit. Now I must make good my minor, that he is a member of this house: he that was duely elected and truely returned, is a member of this house, so was he. *Ergo, &c.* My minor will be questioned; I confirm it thus, where the Kings writ for election is duly pursued, according to the most used and received form, there such an election is good, so was this. *Ergo.* Here (Mr. *Speaker*) falls the weight of their objection, which we will shake, and answer, with equall speed, and first *scilicet mihi autem nescio quis*, and saith the writ is *Burgensis de Burgo*. But he is not *Burgensis de Burgo*. First I say

quamvis

quomodo constat, here is none to offer in proof he is not so, beside I offer it in Quære, whether the election doth not *ipso facto* make him a Burgesse, *& in omni instanti*, again I say the writ is *directive* not *positive*, *v. g. in a venire facias*, the Sheriff commanded to return 12, yet if he return not 24. he shall be fined, in respect experience and practice proves, some of the 12. may be questioned and challenged, besides the writ explains it self, the Knights must be *Comitatus tui*, but the Burgesses and Citizens *de qualibet Civitate & Burgo*, which can admit of no other construction, but these two Burgesses out of every Burrough, & not as *Comitatus tui*, is, which were then of every Burrough, and certainly the Law provided this with great reason, as not doubting every Shire could afford two Knights, *resident*, *yet jealous*, whether every Burrough could provide two resident Burgesses qualified with these necessary adjuncts, as could befit a member of so noble a place; Again the writ commands *duos milites*, and yet exception was never taken upon returning of Esquires, so that the writ expounds it self, it is not literally to be taken. Next there is Thunder and Lightning shot out of the Statute, 33. *H.* 8. being a Stat. to regulate election, and absolutely commanding every Knight and Burgesse to be resident and have a certain Fee-simple in every burrough and County, out of which they are elected; Here they suppose our Priviledge will cry quarter as ready to be murthered by the Statute, but it is ominous *ante victoriam canere*. For first, we answer, that the disuse of a Statute antiquates a Statute, as is observed upon the Statute of *Merton*, and custome applauded by fortunate experience, hath in all Parliaments ever prevailed; a house of Commons would rather present *Babell* in it's confusion, if the *Tincker* would speak his *Dialect*, the Cobler his, and the Butcher conclude a greasie Epilogue, then the writ were well pursued, these were *Idonei homines* to take and give counsell *de rebus arduis*;

but even to cut off the head of their own argument by a Sword of their own, this Stat. of 33. *H.* 8. seems by the preamble to be made in repeal of all former Statutes, by which, election not qualified with residency, was made void, and so became a grievance to the Common-wealth, and therefore this Statute makes the election not observed *ut supra*, onely penall, so that there is nothing offered in objection, either from the writ or Statute to avoid this election. Now I have placed him and dayly elected him, and then his priviledge grows by consequence, yet we have other objections *minoris magnitudinis*, and to repeat them is to confute them; First, say they, every *Libeller* is *de jure*, excommunicated; I answer, every *Libeller* must be *Scriptis*, *Pictis*, or *Cantilenis*, our member is guilty of none of them, no, he is not learned, so neither in the censure, nor in any present proceeding. Another flourish is, that he pleaded not his priviledge in the *Castle-Chamber*, in which very objection, they confesse him priviledged, and make themselves guilty, that they would proceed against a known member of our House. But see the Roman spirit of Mr. *Fitz-Gerald*, who would rather undergo the hazard of being a *Starre-Chamber Martyr*, than to submit our Priviledge to an extrajudiciall debate. It was in our honour he did this, and for his eternall applause: some body sayes the Castle-Chamber will think it self injured, there being Lords of the house of Parliament at and in the censure. As for the Lords, *humanum est errare*, but the Judges are rather involved in these words *Premeditata malitia*, for his election was the 11 of *November* sitting then in Parliament; and his censure the 13 of *December*, so they had 22 or 23 dayes to repent of their ill-grounded resolution, a greater affront never offered to the house of Commons, being comparative, as if the Recorder of the *Tolsell* should sentence the Lord chief Justice of *Ireland*, a member of our house is a walking Record,

cord, and needs not to melt the Kings picture in his pocket. Others alleadge, it was an election purchased by colluſion, but *de non exiſtentibus & non apparentib. eadem eſt ratio.* And ſince the end of his election is in it ſelf and *per-ſe*, for the advancing of the publike ſervice, as well to prove a ſentence not then *in rerum natura*, both Law and charity in a benigne conſtruction of theſe two ends will allow the more favourable. Another objection is whiſpered, that the entrance is not found in the Clerk of the Parliaments Role; This is no matter to the validity of his election, for his priviledge commenced 40 dayes before the Parliament, therefore this and the like are to be judged of as *accidentia quæ poſſunt abeſſe & adeſſe ſine ſubjecti interitu.* Truely (M^r. *Speaker*) my memory and lungs begin to prove Traytors to me; Another objection, if omitted, may be judged by theſe of what ſtrength and maturity they, even as by the coynage of a penny, one may judge of a ſhilling; What hinders then, ſince here is water, but that he may be baptized? Here are no *non obſtant's* to be admitted in his new Pattent of Denization, the common law, the Statute law, the Canon, the Civill law plead for his admittance, the writ of election, the exemplification of the Sheriffs return, all preſidents of all ages, all reports plead for his admittance, our fore-fathers Ghoſts, the preſent practice of Parliaments in *England* plead for his admittance, the Kings ſucceſſive commands, command and confirm his admittance; Away then Sericant, and with the hazarding power of our Mace touch the Marſhals gates,, and (as if there were Divinity in it) they will open and bring us our Olive branch of peace, wreſted from our ſtock, that with welcome Art we may ingraft him to be nouriſhed by a common root. Thus the King ſhall receive the benefit of an able ſubject, who is otherwiſe, *civiliter mortuus*, we enjoy the participation of his labour, and poſterity, both ours and this.

CAPTAINE AVDLEY MERVINS Speech to the Lords in the Upper house in the Parliament *March* 4. 1640.

Concerning the impeachment of Sir *Richard Bolton* Knight, Lord Chancellor of *Ireland*; *Iohn* Lord Bishop of *Derry*, Sir *Gerrard Lowther* Lord Chief Justice of the *Common Pleas*, and Sir *George Ratcliffe* Knight, with high Treason by the Knights, Citizens, and Burgesses of the Commons House.

My Lords;

I Am commanded by the Knights, Citizens, and *Bur*-Burgesses of the Commons House to present unto you *Irelands* Tragedie, the gray headed Common Lawes funerall, and the Active Statutes death and obsequies; this dejected spectacle answers but the prefiguring Type of *Cæsars* murther, wounded to the death in the Senate; And by *Brutus* his bosome friend, our *Cæsars* image by reflexion, even the fundamentall Lawes and Statutes of this Kingdome, the sole means by which our estates are confirmed, our liberties preserved, our lives secured, are wounded to death in the Senate, I mean in the Courts of Justice, and by *Brutus* too, even by those persons

sons that have received their beings and subsistance from them, so that here enters those inseparable first Twins, Treason, and Ingratitude.

In a plain phrase (My Lords) I tender unto you Treason, High Treason; such a Treason that wants nothing but words to expresse it.

To counterfeit the Kings Seale, to counterfeit the Kings money it is Treason; but this dyes with the individuall partie.

To betray a Fort is Treason, but it dies with a few men.

To betray an Army is a Treason, but it dyes with a limited number, which may be reinforced again by politique industry.

To blow up both Houses of Parlament is Treason, but succeeding ages may replant Branches by a fruitfull posterity; but this High Treason which I do move in the name of the Houses of Commons, charge and impeach Sir *Richard Bolton* Knight, Lord Chancellour of *Ireland*, and Sir *Gerard Lowther* Knight, Lord Chief Iustice of the Common Pleas, *John* Lord Bishop of *Derry*, Sir *George Ratcliffe* Knight; is in its nature so far transcending any of the former that the rest seem to be but petty Larcenies in respect of this.

What is it to subvert the fundamentall Lawes of this Kingdome, (*High* Treason?)

What is it with a contumacious malice to trample under feet the rich legacies of our forefathers purchased with sweat and expence, I mean the Statute lawes, what is it but High Treason?

What is it through an Innate Antipathie to the publick good to incarcerate the liberty of the Subject under the Iron and weighty chains of an arbitrary Government (High Treason?) What is it (since his Majestie the most amiable and delightful portraiture of flourishing and indulgent Iustice to his Subjects) to present him personated in their extrajudiciall censures and judge-

ments;

ments; but to posseſſe (if possible) the hearts of his loyall Subjects of this Kingdome: That he is a bloody and devowring Tyrant, and to provoke their never dying alleageance into a fatall and desperate Rebellion.

What is it to violate the sacred Graunts of many of his Majesties Progenitors Kings and Queenes of *England* confirmed under the broad Seale, being the publique faith of this Kingdome by an extrajudiciall breath grounded upon no record?

What is it to insent a surreptitious clause forged by some servile brain in the preamble of our last Act of Subsidies by which the Kings most excellent Majesty, and the Earl of *Stafford* are placed in one and the same sphear, allowing them but equall influencies to nourish the alleageance of this Kingdome, what is this but to extoll other then Regall Authority, and to crucifie the Majestie of our most gracious Soveraign betwixt the two Theeves of Government, Tyranny and Treason.

My Lords, having such a full and lasting Gale to drive me into the depth of these accusations, I cannot hereby steere and confine my course within the compasse of patience, since I read in the first volumes of their browes, the least of these to be the certain ruine of the Subject, and if prov'd, a most favorable Prologue to usher in the Tragedie of the Actors, Councellers and Abetters herein.

What was then the first and main question, it was the subvertion of the fundamentall Lawes of this Kingdome, let then *magna Charta* that lies prostrated, besmeared and groveling in her own gore, discount her wounds as so many pregnant and undeniable proofs, mark the Epethite *Magna κατ' ἐξοχὴν* confirmed by 30. Parliaments in the succession of eight Kings, the violation of which hath severall times ingaged the Kingdome of England in a voluntary sacrifice: a Charter which imposeth that pleasant and welbecomming oath upon all Soveraigntie, to vindicate and preserve the Immunitie thereof; before the Crown

Crown incircle their Royall Temples in this oath of so high consequènce and generall interest his Majesty doth in a manner levie a fine to his Subjects use for avoiding all fraudulent conveyances in the Administration of Justice. And this oath is transplanted unto the Judges as the Feoffees in trust, appointed between his Majestie and the Subject, and sealed by his Majesties provident care with that imphaticall penalty, that their estates and lives shall be in the Kings mercy upon the violation of the same, either in whole or in part, neither hath the deserved punishment for the breach of this oath enacted as *fulgura ex vitrio*, or as bugbears to inforce the obedience of Children; no my Lords, the just execution of it upon their Predecessors though in breaches not so capitall, might have warned them to have strangled their ill born resolutions in the Cradle, before they now proclaim their infancie and petition for their punishment. Witnesse Sir *Thomas Weyland* his banishment, confiscation of his goods and lands only for his mercenarie Justice contrary to his oath, who was Chief Justice of the *Common Pleas* in the time of *Edward* the first. Witnesse Sir *William Thorpe*, Cheif Iustice of the *Kings Bench*, in the time of *Edward* the third, who was adjudged to be hanged, because he had broken the Kings oath made unto the people wherewith he was intrusted in the Roll.

Now my Lords, though *Magna Charta* be sacred for antiquity, though its confirmation be strengthned by oath, though it be the proper Dictionarie that expounds *meum & tuum*, and assignes a Subiect his birth-right; yet it only survives in the Rolls, but now miserable rent and torn in the practice.

These words *Salvo cantenemento*, live in the Rolls, but they are dead in the Castle Chamber.

These words; *Nullus liber hujus ejicitur è libero suo tenemento, in præjudicium parium*, live in the Rolls, but they are dead where property and free-hold are determi-

tied by paper Petitions.

These words; *Nulli vendemus, nulli differemus Justitiam*, live in the Rolls, but they are dead when the Suites, Iudgements, and excecution of the Subiect are wittingly and illegally suspended, retarded and avoyded.

Shall we desire to search the mortall wounds inflicted upon the Statute Lawes, who sees them not lying upon their death bed stab'd with Proclamations, their primitive and genuine tenures escheated by Acts of State, and strangled by *Monoplies*.

Will you surveigh the liberties of the Subiects, every prison spues out illegal attachments and commitments, every Pillory is dyed with the forced bloud of the Subiects, and hath ears, though not to hear, yet to witnesse this complaint.

Do you doubt of the defacement of the amiable Offices of his Maiesties most transplendent and renowned Iustice, and grace, let then that *Microcosme* of Letters Patents confirmed under his Maiesties and his Predecessors broad Seale of the Kingdome, being the publique faith thereof, and yet unchristened by frivolous and private opinions, rise up in iudgement, let the abortive Iudgement of the tenure *in Capite*, where no tenure was expresst, nay let the Hereticall and Traiterous opinions where the Tenure was expresst, yet to draw in all by Markets and Faires granted in the same Patents rise up in Iudgements. What glasse hath this unhappy divided Kingdome from his Maiesties presence and audience, to contemplate the fair and ravishing form of his royall intentions in, but in the cleer and diaphanous administration of his Iustice, and what do these traytrous and illegall practise ayme at but in affront to his Maiesty (which we most tenderly resent) and discontent to his Subiects, to multiply as by a Magick glasse the royall dispensation of his favours into the ugly and deformed visage of their suppression of the liberties, devastations of the estates, and

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the deprivation of the lives of his loyall Subiects, so that it may be sayd; *Regali Capiti cervicem conjal equinam Jungere sic vellet variasque inducere plumas.*

My Lords, these ought to be considered with as serious an eare, as they were practised by mischievous experiments.

Inquire of the *Netherlands* why their fields are growne fertile, by the inundation of bloud, why the pensive Matrons solemnize too too frequent funeralls of their Husbands and issue, and they will answer you it was for the preservation of their hereditary Lawes, which Tyranny would have innovated.

This Kingdome personated in the sable habit of a widdow with dishelved hayrs seems to Petition your Lordships, that since she is a Mother to most of us, yet certainly a Nurse unto us all, that you would make some other for redresse of her Tyrannicall oppression.

These persons impeached, resemble the *opacious* body of the earth interposed to eclipse that light and vigour, which the *solar* aspect of Majesty would communicate unto his Subiects.

They imitate the fish *Sepia*, that vomits a darke liquor out of her mouth to cloud the waters for her securer escape.

They are those to whom the keyes have been committed, yet they have barred the door to them that knoc't.

They are those unnaturall Parents, that give their children stones, in stead of bread, and scorpions for fish. Was it for this purpose that the royall authority scituated them in these eminent places, that like Beacons upon high Hills, they should discover and proclaim each innovation and stratagem against the publique weale; whilest they in the mean time imploy therein fire to publique Incendiary, or, like *Ignes fatui*, seduce the easie and beleeving Traveller into pits and unexpected Myres?

Were they sworne to seale their damnation, and not

their confirmation of our libertie, eſtates, and lives? Shall a man be cenſured for *perjury*, in that breach of his private Faith, and thoſe be juſtifiable in Treaſon, aggravated by *perjury* againſt the dignity of the Crownes, and publique faith of the Kingdomes? No my Lords, the grave, judicious, and mature examination, and deſerved puniſhment of theſe traiterous proceedings, will ſpeak theſe times as glorious to poſterity in their information, as they are now lamented in their perſecution.

The bloud-thirſting ſword of an hoſtile enemy, by a timely union, and a defenſive preparation may be prevented.

The thin rib'd Carcaſſe of an univerſall famine, may have his conſumption reſtored by a ſupply from our neighbouring Nations.

The quick ſpreading venome of infectious peſtilence may be prevented by Antidotes, and qualified by phiſicall remedies. But this Catholick grievance, like a ſnake in the moſt verdant walks, (for ſuch are the unblemiſhed lawes truly practiſed) ſtings us to death, when we are moſt ſecure; and like the Kings evill, can only be cured by his Majeſties free and gracious permiſſion of our modeſt and gentle proceedings, for his vindication and our preſervation therein concluded.

Spencer, and *Gamſton* who have left their names monumentally odious for the evill counſell they fed the Kings ear with, yet did poſſibly advantage their own friends, while theſe dart their envie and Treaſon for a common Center, equally touching the bounds of every ſuperficies: for as concerning the valide eſtates they have illegally overthrown, when the Lawes by your Lordſhips induſtry receive their native vigour, they will re-aſſume their confirmation: but the eſtates happily in themſelves legall, that they have in an extrajudiciall forme eſtabliſhed, will haſte as ſpeedily to their diſſolution, ſo that *Judas*-like they betray their beſt friends with a kiſſe.

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My Lords, I cannot finde any surviving *Cronologie* of times, this season to be parallel'd with all circumstances, which makes me view the Records amongst the infernall spirits to finde, if match't there I might extenuate their facts: where 1. they appear like the false spirit sent into the mouth of the Prophet to *Ahab* to speak delusions to subvert the host of God.

The most vehement and trayterous encounter of Sathan, is lively decipher'd in the true example of *Job*: where first, I observe the dismologie, he overthrowes not *Jobs Magna Charta*, he disseizes him not of his inheritance, nor dispossesses him of his Leases; but only disrobes him of some part of his personall estate: when he proceeds to infringe *Jobs* liberty, he doth not pillorie him, nor cut off his ears, nor bore him through the tongue; he only spots him with some ulcers; here *Sathan* staines, when these persons by their *traiterous combinations*, envie the very bloud that runs unspilt in our veines; and by obtruding bloody Acts, damn'd in the last Parliament, will give *Sathan* size ace, and the Dice at *Irish*, in inthralling the lives of the Subjects by their *arbitrary Judicature*.

I would not my Lords be understood to impute to the Judges, and infallibilitie of error: *nor in impeaching these, to traduce those, whose candor and integrity, shine with more admired lustre, then their white furres*, who like trophees of virgin-justice, stood fixt and unmov'd in the *rapid torrent of the times*, while these like strawes and chips plai'd in the streams, untill they are devolv'd in the Ocean of their deserved ruine.

No my Lords, *humanum est errare*, and the Law allowes *Writs of Error*, and arrest of Judgement: but where there is *crassa ignorantia* against their Oath, against the Fundamentall, Elementary, and known Lawes of the Kingdome: Nay (my Lords where it is rather *præmeditata malitia*, where there is an emulating policie

who should raze and embeſell the Records in the practique, that are for the tender preſervation of our liberties, eſtates, and lives, ſeeking only to be glorious in a nationall deſtruction, as if their ſafety were only involved in our ruine, there I have command to pitty, but not excuſe them.

To kill a Judge, *quatenus* a Judge, is not Treaſon, but to kill a Judge ſitting in the place of Iudicature, is Treaſon; not for that the Law intends it out of any malice againſt the party, but for the malice againſt the Law: where then can an intenſive, or an extenſive malice be expreſt or implyed againſt the Law, then the practicall dialect of theſe perſons impeach'd, ſpeaks with a known and crying accent.

The *Benjamites* ſlang ſtones with their left hands, yet they would not miſſe a hairs breadth; theſe extrajudiciall proceedings are ſlung with the left, I meane they are ſiniſtrious, and imprint their blacke and blew marks, more certaine, and more fatall; for that they may ſay, *Quæ regio in terris noſtri non plena laboris?* Though theſe things be familiar unto us, yet I cannot but admire how this unproportionable body of Iudicature ſhould ſwell up into ſuch a vaſt and ulcerous dimenſion, but why ſhould I conſidering this excentrick motion of the body of the Law had his birth obſcure, reſembling the tares that were ſowed in the night time, but here is the difference; they were ſowne by the enemy in the abſence of the *Maſter: but theſe are ſowne by the Grand-maſters themſelves, purpoſely to overtop and choak the expected Harveſt.*

Innovations in Law, and conſequently in government, creep in like hereſies in Religion, ſlily and ſlowly, pleading in the end a ſawcy and uſurp't legitimacy, by uncontrol'd preſcription.

My Lords, this is the firſt ſitting, and I have onely chalked out this deformed body of high Treaſon: I have

not

not drawn it at length, leaſt it might fright you from the further view thereof: in concluſion, it is the humble deſire of the Commons, that the parties impeached, may be ſecured in their perſons, ſequeſtred from this Houſe, from the Counſell Table, and all places of Iudicature, as being *Civiliter mortui*; that they may put in their anſwers to the Articles ready now to be exhibited againſt them: and that all ſuch further proceedings may be ſecretly expedited, as may be ſutable to Iuſtice, and the precedents of Parliaments, ſo his Majeſty may appeare in his triumphant goodneſſe, and indulgency to his people: and his people may be raviſht in their dutifull and cheerefull obedience, and loyalty to his Maieſty: your Lordſhips may live in Records to Poſterity, as the inſtrumentall reformers of thoſe corrupted times, and that the Kingdome and Common-wealth may pay an amiable ſacrifice in *retribution*, and acknowledgement of his Maieſties multiplyed providence for our preſervation herein.

Articles

Articles of the Knights, Citizens, and Burgesses in the Parliament assembled, against Sir *Ric: Bolton*, K^t. Lord Chancellor of *Ireland*, *John*, Lord B. of *Derry*, and Sir *Gerard Lowther* K^t. L. Chief Justice of his Majesties Court of Common-Pleas, and Sir *George Radcliffe*, K^t. in maintenance of the accusation, whereby they, and every of them, stand charged with high Treason.

FIrst, that they the said Sir *Richard Bolton*, Knight, Lord Chancellor of *Ireland*, *John*, L. Bishop of *Derry*, Sir *Ger. Lowther*, K^t. Lord Chief Justice of his Majesties Court of Common-Pleas, and Sir *George Radcliffe*, Knight, intending the destruction of the Common-wealth of this Realm, have trayterously confederated and conspired together, to subvert the Fundamentall Laws and Government of this Kingdom, and in pursuance thereof, they and every of them, have trayterously contrived, introduced, and exercised an arbitrary and tyrannicall Government against Law, thorowout this Kingdom, by the countenance and assistance of *Thomas*, Earl of *Strafford*, then chief Governour of this Kingdom.

II.

That they and every of them, the said Sir *Richard Bolton*, K^t. L. Chancellor of *Ireland*, *John*, L. Bishop of *Derry*, Sir *Gerard Lowther*, K^t. L. chief Justice of the Common Pleas, and Sir *George Radcliffe*, K^t. have trayterously assumed to themselves, and every one of them, regall power over the goods, persons, lands, and liberties of his Majesties

jesties Subjects in this Realm; and likewise have maliciously, perfidiously, and trayterously given, declared, pronounced, and published, many false, unjust, and erroneous opinions, Judgements, Sentences, and Decrees, in extrajudiciall manner against Law, and have *perpetrated, practised, and done many other trayterous and unlawfull acts and things, whereby as well divers mutinies, seditions, and rebellions have been raised, as also many thousands of his Majesties liege people of this Kingdom, have been ruined in their goods, lands, liberties, and lives, and many of them being of good quality and reputation, have been utterly defamed by Pillory, mutilation of members, and other infamous punishments:* By means whereof his Majesty and the Kingdom have been deprived of their service in Juries, and other publike imployments, and the generall trade and traffique of this Island for the most part destroyed, and his Majesty highly damnified in his customes and other revenues.

III.

That they the said Sir *Rich. Bolton*, *John*, L. B. of *Derry*. Sir *Ger. Lowther*, K^t. and Sir *G. Radcliffe*, and every of them, the better to preserve themselves, and the said Earl of *Strafford*, in these and other trayterous courses, have laboured to subvert the rights of Parliament, and the ancient course of Parliamentary proceedings: all which offences were contrived, committed, perpetrated, and done at such time, as the said Sir *Richard Bolton*, Sir *Gerard Lowther*, and Sir *George Radcliffe*, Knights, were privy Counsellors of State within this Kingdom, and against their and every of their oathes of the same, at such times as the said Sir *R. Bolton*, K^t. was Lord Chancellor of *Ireland*, or chief Baron of his Majesties Court of Exchequer, within this Kingdom, and Sir *Gerard Lowther*, Knight. was Lord chief Justice of the said Court of Common Pleas, and against their Oathes of the same, and at such time as the said *John*, L. Bishop of *Derry*, was actuall Bishop of *Derry*, within this Kingdom, and were done and speciated con-

trary to their and every of their allegiance, ſeverall and reſpective oathes taken in that behalf.

IV.

For which the ſaid Knights, Citizens and Burgeſſes, do impeach the ſaid Sir *Richard Bolton*, Lord Chancellor of Ireland, *Iohn*, L. B. of *Derry*, Sir *Gerard Lowther*, K^t. L. chief Juſtice of his Majeſties ſaid Court of Common Pleas, and Sir *George Radcliffe*, K^t. aforeſaid, and every of them of high Treaſon, againſt our Soveraign Lord the King, his Crown and Dignity.

The ſaid Knights, Citizens, and Burgeſſes, by Proteſtation, ſaving to themſelves the liberty of exhibiting at any time hereafter, any accuſation or impeachment againſt the ſaid Sir *Rich. Bolton*, *Iohn*, L. Biſhop of Derry, Sir *Gerard Lowther*, and Sir *George Radcliffe* aforeſaid, and every of them, and alſo of replying to them, and every of their anſwers, which they and every of them, ſhall make to the ſaid Articles, or any of them, and of offering proof alſo of the premiſſes, or of any other impeachment, or accuſation, as ſhall be by them exhibited; as the caſe ſhall accord ng to the courſe of Parliament require.

And the ſaid Knights, Citizens, and Burgeſſes do pray, that the ſaid Sir *Richard Bolton*, Knight, Lord Chancellor of Ireland, *Iohn*, Lord Biſhop of Derry, Sir *Gerard Lowther*, Knight, Lord chief Juſtice of his Majeſties ſaid Court of Common Pleas, and Sir *George Radcliffe*, Knight, and every of them, be put to anſwer to all and every of the premiſſes, and that all ſuch *Proceedings*, *Examinations*, *Triall*, and *Iudgement*, may be upon them and every of them, had and uſed, as is agreeable to Law and Juſtice.

Copia vera.

Signed,

PHILIP PHERNESLY,
Cler. Parliamenti.

Sir

Sir *Thomas Wentworths* ſpeech,

XXij^d *Martij*, 1627.

MAy this dayes reſolution be as happy, as I conceive the propoſition (which now moves me to riſe) is ſeaſonable and neceſſary, for whether we ſhall look upon the King or the people, it did never more behove this great Phyſitian the Parliament, to effect a true conſent towards the parties then now; This debate carryes with it, a double aſpect, towards the Soveraign, towards the Subject, though both innocent, both injured, both to be cured.

In the repreſentation of injuries, I ſhall crave your attention in the Cures; I ſhall beſeech your equall cares, and better judgements (ſurely in the greateſt humility, I ſpeak it) theſe illegall waies are marks and puniſhments of indignation.

The raiſing of Leavies ſtrengthned by Commiſſion, with unheard of inſtructions, the billetting of Souldiers by Lievetenants without leave, have been, as if they could have perſwaded Chriſtian Princes (nay Worlds) the right of Empire had been to take away by ſtrong hand; and they have endeavoured, as far as was poſſible for them to do it.

This hath not been done by the King (under the pleaſing ſhade of whoſe Crown I hope we ſhall ever gather the fruits of Juſtice) but by Projectors. They have extended the prerogative of the King, beyond the juſt Center, which was the ſweet harmony of the whole.

They have rent from us the light of our eyes, inforced a company of Gueſts, worſe than the Ordinaries of

France, vitiated our wives and daughters before our faces, brought the Crown to greater want than ever it was, by anticipating the Revenue, and can the Shephard be thus smitten, and the flock not scattered?

They have introduced a Privie Counsell ravishing at once the Spheers of all ancient government, imprisoning us without Bail or Bond. They have taken from us what shall I say (indeed what have they left us) all mean of supplying the King, and ingratiating our selves with him, taking up the roots of all propriety, which if it be not seasonably set into the ground by his Maiesties hand, we shall have instead of beauty, baldnesse.

To the making of them whole I shall apply my self, and propound a remedy, to all these diseases, by one and the same thing hath the King and people been hurt, and by the same must they be cured, to vindicate what? New things? No. Our ancient, sober, vitall liberties, by reinforcing of the ancient Lawes made by our Ancestors, by setting such a Character upon them, as no licentious spirit shall dare hereafter to enter upon them. And shall we thinke this a way to break a Parliament? No. Our desires are modest and iust, I speak truly, both for the interest of the King and People. If we enioy not those, it will be impossible to relieve him; Therefore let us never fear that they shall not be accepted by his goodnesse.

Wherefore I shall descend to my motions, which consists of four parts, two of which have relation to the persons, two to the propriety of goods, for the persons, the freedome of them from imprisoning.

Secondly from employments abroad, contrary to the ancient customes for our goods, that no leavies may be made but in Parliament. Secondly, no billetting of Souldiers: It is most necessary, that these be resolved, that the Subiects may be secured in both.

Then for the manner in the second place, it will be fit to determine it by a Grand Committee.

SIR

Sir *Thomas Wentworths* Speech 21. of *Aprill*, Anno, 1628.

Right wise, Right worthy:

TOo many instigations importune the sequell of my words; First, the equitie of your proceedings. Secondly, the honesty of my request, for I behold in all your intendments a singularity grounded upon discretion and goodnesse, and your consultations steered as well by Charity as extremity of justice.

This order and method I say of your procedings, together with the importunity offered of the Subject in hand, have emboldned me to solicite an extension of the late granted protections in generall. The lawfulnesse and honesty of the propositions depends upon these two particulars.

I. The present troubles of the parties protected, having run themselves into a further and almost irrecoverable hazards, by presuming upon, and feeding themselves with the hopes of a long continuing Parliament.

II. Let the second be this consequence; That that which is prejudiciall to most, ought to minister matter of advantage to the rest; sith then our interpellations and disturbances amongst our selves are displeasing almost to all, if any benefit may be collected, let it fall upon those, for I think the breach of our Session can befriend none but such, nor such neither, but by means of the grant before hand. And because it is probable, that his Majesty may cause a Remeeting this next *Michaelmas*, Let thither also reach their prescribed time for liberty. And that till then their protections shall remain in as full vertue and authority, as if the Parliament were actually sitting.

To the Right Honorable, the LORD Deputie.

SHewing that in all ages paſt, ſince the happy ſubla-ction of this Kingdome, to the imperiall Crown of *England*; it was and is a principall ſtudy, and Princely care of his Maieſty, and his moſt Noble Proge-nitors, Kings and Queens of *England*, and *Ireland*, to the vaſt expence of Treaſure and bloud, that their loyall and dutifull people of this land of *Ireland*, being now for the moſt part derived from the *Britiſh Anceſtor*, ſhould be governed according to the municipiall and fundamen-tall lawes of *England*, that the Statute of *Magna Charta*, or the great *Charter* for the liberties of *England*, and other laudable lawes and Statutes, were in ſeverall Parliaments here enacted and declared, that by the means thereof, and of the moſt prudent and benigne government of his Maie-ſtie and his royall Progenitors, this Kingdome was (un-till of late) in its growth to a flouriſhing eſtate, where-by the ſaid people were hertofore enabled to anſwer their humble and naturall deſires, to comply with his Maie-ſties Royall and Princely occaſions, by the free gift of 150000. *l. ſter.* and likewiſe by another gift of 120000. *l. ſter.* more during the government of the *Lord Viſcount Faulk-land*, and after by the gift of 40000. *l.* and their free and chearfull gift of 6. *entire Subſidies*, in the 10. year of his Maieſties Reign, which to comply with his Maie-ſties then occaſions ſignified to the then H. of Commons they did allow ſhould amount in the collections unto 250000. *l.* although as they confidently beleeve, if the ſayd Subſidies had not been levied in a moderate Parlia-mentary way, they would not have amounted to much

more

more than half the said sum, besides the four entire Subsidies, granted in this present Parliament. So it is, may it please your Lordship, that by the occasion of the ensuing and other grievances and innovations, though to his Majestie no considerable profit, this Kingdome is reduced to that extreme and universall poverty, that the same is now lesse able to pay a Subsidie, then it was heretofore to satisfie all the before recited great payments, and his Maiesties most faithfull people of the same, do conceive great fears that the grievances and the consequences thereof may hereafter be drawn into precedents to be perpetuated upon their posterity, which in their great hopes and strong belief, they are perswaded is contrary to his Maiesties Royall and Princely intention towards his said people, some of which said grievances, are as followeth.

I.

First, the generall and apparent decay of Trades, occasioned by the new and illegall raysing of the book of Rates and Impositions, as xii,d. a piece, custome for Hides bought for 3.4. or 5.s. and many other heavie Impositions upon native and other commodities exported and imported, by reason thereof and of the extream usage, and sensures, Marchants are beggered, and both disinabled and discouraged to trade; and some of the honorable persons who gain thereby, are often Iudges, and parties, and that in conclusion his Maiesties profit therby is not considerably advanced.

II.

Secondly, the arbitrary decision of all civill causes and controversies, by paper petitions before the Lord *Lievtenant*, and *Lord Deputy*, and infinite other Iudicators upon references from them derived in the nature of all actions, determinable at the Common-law, not limited unto certain times, seasons, causes, and things whatsoever, and the consequence of such proceedings, by receiving immoderate and unlawfull fees by *Secretaries, Clerkes, Pursivants,*

sivants, *Serjants* at Armes, and otherwise, by which kinde of proceedings, his Majesty loseth a considerable part of his Revenue, upon originall writs, and otherwise; and the Subject loseth the benefit of his writ of error, Bill of reversall, vouchers, and other legall and just advantages, and the ordinary course and Courts of Justice declined.

III.

Thirdly, the proceedings in civill causes at the Councell boord, contrary to the law and great *Charter*, and not mitted to any certain time or season.

IV.

Fourthly, that the Subject is in all the materiall parts thereof, denyed the benefit of the principall graces, and more especially of the Statute of Limitations, of the 21. *Jan.* granted by his Majesty in the 4. year of this Reign, upon great advice of the Counsell of *England*, and *Ireland*, and for great consideration; and then published in all the Courts of *Dublin*, and in all the Courts of this Kingdome in open Assizes, whereby all persons do take notice, that contrary to his Majesties pious intention, his Subiects of this Land have not enioyed the benefit of his Maiesties Princely promise thereby made.

V.

Fiftly, the extraiudiciall avoyding of Letters Patents of estates of a very great part of his Maiesties Subiects under the great Seale (the publique faith of the Kingdome) by private opinions delivered at Councell Boord, without legall Evictions of their estates, contrary to the Law and without precedent or example of any former age.

VI.

Sixtly, the Proclamation for the sole exemption and uttering of *Tobacco*, which is bought at very low Rates, and uttered at high and excessive Rates, by means wherof thousands of Families within this Kingdome and of his Maiesties subiects in severall Iflands, and other parts of the

the *West Indies* (as your Petitioners are informed) are destroyed, and the most part of the Coyne of this Kingdome is ingrossed into particular hands: Insomuch that your Petitioners do conceive that the profit arising and ingrossed thereby, doth surmount his Maiesties Revenues certaine and casuall within this Kingdome, and yet his Maiestie receiveth but very little profit by the same.

VII.

Seventhly, the unusuall and unlawfull increasing of *Monopolies* to the advantage of few, to the disprofit of his Maiesty, and the impoverishment of his people.

VIII.

Eighthly, the extream and cruell usage of certain late Commissioners and other, towards the *Brittish* Farmers and Inhabitants of the City and County of *London-derry*, by meanes whereof the worthy plantation of that Country is almost destroyed, and the Inhabitants are reduced to great poverty, and many of them forced to forsake the Country, the same being the first and most usefull Plantation in the large Province of *Ulster*, to the great weakning of the Kingdome, in this time of danger, the sayd Plantation being the principall strength of those parts.

IX.

Ninthly, the late erection of the Court of high Commission for causes Ecclesiasticall in these necessitous times, the proceedings of the sayd Court in many causes without legall warrant, and yet so supported as prohibitions have not been obtained, though legally sought for, and the excessive fees exacted by the ministers thereof, and the incroaching of the same upon the iurisdiction of other Ecclesiasticall Courts of this Kingdome.

X.

Tenthly, the exorbitant and Barbarous Fees and pretended Customes exacted by the Clergie against the Law, some of which have beene formerly represented to your Lordship.

XI.

Eleventhly, the Petitioners do moſt heartily bemone that his Maieſties ſervices and profits are much more impaired than advanced by the grievances aforeſaid. And the Subſidies granted in the laſt Parliament having much increaſed his Maieſties Revenue by the buying in of Grants and otherwiſe, and that all his Maieſties debts then due in this Kingdome were ſatisfied out of the ſayd Subſidies, and yet his Maieſty is of late (as your Petitioners have beene inform'd) in the Houſe of Commons become indebted in this Kingdome in great ſums, and they do therefore humbly beſeech that an exact account may be ſent to his Maieſty, how and in what manner his treaſure iſſued.

XII.

Twelfthly, the Petitioners do humbly conceive great and iuſt fears, at a Proclamation publiſhed in this Kingdome in *Anno Dom.* 1635. prohibiting men of quality or eſtate for to depart this Kingdome into *England*, without the Lord Deputies Licenſe, whereby the Subiects of this Kingdome are hindered and interrupted from free acceſſe and addreſſe to his ſacred Maieſty and Privie Counſell of *England*, to declare their iuſt grievances, or to obtaine remedie for them, in ſuch ſort as their Anceſtors have done in all ages, ſince the Reigne of King *Henry* the ſecond, and great Fees exacted for every of the ſaid Licenſes.

XIII.

Thirteenthly, that of late his Maieſties late Attourny generall hath exhibited informations againſt many ancient Burroughs of this Kingdome into his Maieſties Court of Exchequer, to ſhew by what warrant the ſayd Burroughes, who heretofore ſent Burgeſſes to the Parliament, ſhould ſend the ſayd Burgeſſes to the Parliament. And thereupon for want of an anſwer, the ſayd Privi-

ledge

ledge of ſending Burgeſſes was ſeized by the ſayd Court, which proceedings were altogether *Coram non Judice*, and contrary to the Lawes and Priviledges of the Houſe of Parliament (and if way ſhould be given thereunto) might tend to the ſubverſion of Parliaments, and by conſequence to the ruine and deſtruction of the Common-wealth, and that the Houſe of Commons hath hitherto in this preſent Parliament bin deprived of the advice and Counſell of many profitable and good members by means thereof.

XIV.

Fourteenthly, that by the powerfulneſſe of ſome miniſters of State in this Kingdome, the Parliament in its members and actions hath not his naturall freedome.

XV.

Fifteenthly, that the fees taken in all the Courts of Iuſtice in this Kingdome, both Eccleſiaſticall, and Civill, and by other inferiour Officers and Miniſters, are ſo immoderately high, that it is an unſpeakable burthen to all his Maieſties Subiects of this, who are not able to ſubſiſt, except the ſame be ſpeedily remedied and reduced to ſuch a moderation as may ſtand with the condition of this Realme.

And laſtly, That the Gentry, Merchants, and other his Maieſties Subiects of this Kingdome, are of late by the grievances and preſſures aforeſayd and other the like, very neere to ruine and deſtruction. And Farmers of Cuſtomes, Cuſtomers, Waiters, Searchers, Clearks of unwarrentable proceedings, Purſevants, and Gaolers, and ſundry others very much inriched, whereby, and by the ſlow redreſſe of the Petitioners grievances, his Maieſties moſt faithfull and dutifull people of this Kingdome, do conceive great feares that their readineſſe approved upon all occaſions, hath not been of late rightly repreſented to his Maieſty.

For Remedy whereof, the ſaid Petitioners do humbly and of Right beſeech your *Lord*ſhip, that the grievances and preſſures may be ſpeedily redreſſed. And if your *Lord*ſhip ſhall not think fit to afford us preſent relief therein, that your *Lord*ſhip may admit a ſelect Committee of this Houſe of perſons unintereſſed in the benefit ariſing, the aforeſaid grievances to be licenſed by your *Lord*ſhip, to repaire to his ſacred Maieſty in *England* for to purſue the ſame, and to obtain fitting Remedies for their aforeſaid and other iuſt grievances and oppreſſions, and upon all iuſt and honorable occaſions, they will without reſpect of particular intereſt or profit to be raiſed thereby, moſt humbly and readily in Parliament, extend their utmoſt indeavours to ſerve his Maieſty, and comply with his Royall and Princely occaſions,

And ſhall pray, &c.

A Speech againſt the Judges, *per Ignotum quendam.*

Mr. *Speaker*,

IT was a cuſtome among the *Romans* (who as by their power they once gave laws, ſo by the happy ſucceſſe of their long flouriſhing Government, might they well give examples to all the world) that in their Senates the yongeſt men ſpake firſt: partly that they might not have their weaker notions anticipated by the more knowing Senators. And partly that the Senate might not be diverted from the mature reſolutions of the more ancient by the interpoſition of the younger men; They as all free States ever allowing free members to expreſſe themſelves according to their ſeverall capacities. And me thinks

thinks 'twas a happy Method. So your opinions and inclinations of the Assembly, being discovered and ripened to resolution by such gradations, the sentences of the Sages sounded as Iudgements, not orations, their wisedome and gravity put a seasonable Period to others, perhaps otherwise endlesse discourses.

Their precedent encourges me (who worst may) to break the Ice: Children can lay their fingers on the Sore, point out their pain; and Infant Graduates in Parliament, may groan out the grievances of a diseased Commonwealth, but they must be Doctors in the Art of Government that can apply apt remedies to recover it.

Mr. *Speaker*, Ancient and approved hath been that parallell of the body politique with the body naturall: 'Tis the part of their Patients in either distempered, to impart freely their griefs to the Physitians of the body or state, if they expect a cure.

This Common-wealth is (or should be) but one body. This house, the great Physitian of all our maladies, and alas, Mr. *Speaker*, of what afflicted part shall we poor Patients complain first? Or rather of what shall we not complain?

Are we not heart-sick? Is there in us that which God requires, unity, purity, and singularity of heart? Nay is not Religion (the soul of this body) so miserably distracted, that, I speak it with terrour of heart, 'tis to be feared, there is more confusion of religions amongst us, then there was of tongues at the subversion of *Babell*: And is it not then high time that we understand one another, that we were reduc'd to one *Faith*, one *Government*.

Sir, *Is the Head whole*: The seat of *Government* and *Justice*, the *Fountain* from whose sweet influence, all the inferiour members of this body should receive both vigour and motion: Nay, hath not rather a generall Apoplexy, or Palsie taken, or shaken all our members? Are not some dead? Others buried quick? Some dismembred, all disor-

dered by the diversion of the course of *Justice*.

Is the *Liver* (Natures Exchequer) open; from whose free distribution each limb may receive his proper Nutriment, or rather is it not wholly obstructed? Our property taken from us? So that it may properly be said of us, *Sic vos non vobis fertis aratra*, our Ancestors drunk the juyce of their own Vines, reap'd and eat the fruit of their own harvest. But now the poor mans Plough goes to furrow the Seas, to build Ships: we labour not for our selves but to feed the excressions of Nature, things grown up out of the ruines of the naturall members. *Monopolists*.

Sir, these are *Maxima vitalia*; Religion, Iustice, property; The Heart, the Head, the *Liver* of this great body, and these distempered or obstructed, can the subordinate parts be free? No sir, the truth is; all is so farre out of frame, that to lay open every particular grievance were to drive us into despair of cure; In so great confusion where to begin first, requires not much lesse care than what to apply.

Mr. *Speaker*, I know 'tis a plausible motion to begin with setting Gods House in order first: who presses that, moves with such advantage, that he is sure no man will gain-say him. 'Tis a welbecoming zeal to prefer Religion before our own affairs, and indeed 'tis a duty not to be omitted; where they are in equall danger: But in cure of the body, politique or naturall, we must prefer the most pressing exigents.

Physitians know that Consumptions, Dropsies, and such like lingering diseases are more mortall, more difficult to cure then slight externall wounds: yet if the least Vein be cut, they must neglect their greater cures to stop that, which if neglected, must needs exhaust the stock of nature, and produce a dissolution of the whole man.

A Defection from the duties of our Religion is a Consumption to any State, no foundation is firm that is not laid

laid in Christ.

The Deniall of Iustice, the abridgement of our liberties, is such an obstruction as renders the Common-wealth *Leprous*; *but the wounds* in our property lets out the life-blood of the people.

The Reformation of *Church-Government* must necessarily be a work of much time, and God be thanked the disease is not desperate; *We serve one God, we believe in one Christ, and we all acknowledge and professe one Gospel.* The difference is onely *de modo*, we vary but in Ceremonies to reduce which, to the Primitive Practice, must be a work of great debate, is not a work for us alone to settle.

The stop of Iustice can yet *injure* but particulars, *'Tis true, there may be many, too many instances of strange oppressions, great oppressors*, but 'twill be hard to judge the Conclusion. *Et sic de cæteris.*

But take from us the propriety of our estates, our subsistence, we are no more a people. This is that veyn which hath bin so deep cut, so farre exhaust, that to preserve our being, we must doubtlesse stop this current: Then settle *Rules* to live by, when we are sure to live.

Mr. *Speaker*, he that well weighes this little word Property, or propriety in our estates, will finde it of a large extent; The *Leeches* that have suckt this blood, have bin *Excise, Benevolences, Loans, Impositions, Monopolies, Military, Taxes, Ship-money (cum multis aliis)* all which spring from one Root.

And is it not high time to grub up that root that brings forth such fruit? Shall we first stand to lop the branches one by one, when we may down with all at once? He that to correct an evill tree, that brings forth bad fruit, shall begin at the master bough, and so lop downwards, is in danger to fall himself before the tree falls. The safer and speedier way is to begin at the root, and there, with submission to better judgements, would I lay the Axe

The Root of most of our present mischiefs, and the ruine

ine of all posterity, do I hold, to be that extraiudiciall (Iudgement I cannot say, but rather) doom, delivered by all the Iudges under their hands out of Court, yet recorded in all Courts, to the subversion of all our Fundamentall *Laws*, *Liberties*, and *Annihilation*, if not *Confiscation* of our estates. That in case of danger, the King may impose upon his subiects, and that he is the sole Iudge of the danger, necessity, and proportion, which in brief, is to take what, when, and where he will, which though delivered in the time of a gracious and mercifull Prince, who we hope will not wrest it beyond our abilities, yet left to the *Interpretation* of a succeeding Tyrant, if ever this Nation be so fortunate to fall into the hands of such; it is a Record wherein every man might reade himself a slave that reades it, having nothing he can call his own, all prostitute to the will of another.

What to do in such a case, we are not to seek for precedents, our Honorable Ancestors taught us in the just and exemplar punishments of chief *Iustice*, *Tresilian* and his Complices (for giving their *judgements* out of *Parliament* against the established *Laws* of *Parliament*) how tender they were of us, how carefull we ought to be to continue those Laws, to preserve the *L*iberty of our Posterity.

I am far from maligning the person, nor in my heart wish I the Execution of any man, but certainly it shall be a *Iustice* well becoming this House, to lay their Heads at his Maiesties mercy, who laid us under his feet, who had made us but tenants at will of our *L*iberties and Estates.

And though I cannot but approve of Mercy, as a great Vertue in any Prince, yet I heartily pray it may prove a Precedent as safe and usefull to this oppressed State, as that of Justice.

Mr. *Speaker*, blasted may that tongue be, that shall in the least degree derogate from the glory of those Halcyon dayes

dayes our fathers enjoyed, during the Government of that ever blessed, never to be forgot, Royall *Elizabeth*. But certainly I may safely say (without detraction) it was much advantage to the peace and prosperity of her Raign, that the great examples of *Empson* and *Dudley* were then fresh in memory: The *Civility* of our *Laws* tell us, that Kings can do no wrong, and then is the State secure, when Judges (their Ministers) dare do none. Since our times have found the want of such examples, 'tis fit we leave some to posterity. God forbid all should be thought or found guilty, there are doubtlesse some Ring-leaders, let us sift them out. *In publique* Government to passe by the Nocent, is equall injustice, as to punish the *Innocent*. An omission of that duty now, will be a guilt in us, render us sham'd in History, curst by Posterity, our gracious and (in that act of voluntary Justice) most glorious King, hath given up to the satisfaction of his afflicted People, the authors of their Ruines: the power of future preservation is now in us. *Et qui non servat patriam, cum potest, idem facit destruenti patriam.*

What though we cannot restore the damage of the Common-wealth, we may yet repair the breaches in the bounds of Monarchy. Though it be with our losse and charge, we shall so leave our childrens children, fenced as with a wall of safety, by the restauration of our Laws, to their ancient vigor and lustre.

'Tis too true, and 'tis to be feared, the Revenues of the Crown, sold out-right, would scarce remunerat the iniuries, repay the losses of this suffering Nation, since the pronouncing of that fatall sentence. What proportionable satisfaction then can this Common-wealth receive, in the punishment of a few inconsiderable Delinquents? But 'tis a *Rule* valid in Law, approved in equity, that *Qui non habent in crumen Luant in Corpore*. And 'tis without all question in policy, exemplar punishments conduce more to the safety of a State, *then pecuniary reparations*;

Hope of impunity lulls every bad-great-officer into security for his time, and who would not venture to raise a Fortune, when the allurements of honour and wealth are so prevalent, if the worst is can fall, be but Restitution.

We see the bad effects of this bold-erroneous opinion; what was at first but corrupt *Law*; by encouragement taken from their impunity, is since become false Doctrine, the people taught in Pulpits, they have no property, Kings instructed in that destructive principle, that all is theirs, and is thence deduc'd into necessary state-policy, whispered in counsell, That he is no Monarch, who is bounded by any *Law*.

By which bad consiquences, the best of Kings, hath bin by the infusion of such poysonous positions diverted from the sweet inclinations of his own Naturall Equity and Justice, the very essence of a King taken from him, which is preservation of his people: and whereas *Salus populi* is, or should be, *Suprema Lex*, the power of undoing us, is masqu'd under the stile of what should be Sacred Royall Prerogative.

And is it not high time for us to make examples of the first authors of this, subverted *Law*, *bad Counsell*, *worse Doctrine?*

Let no man think to divert us from the pursuit of Justice, by poysoning the clear streams of our affections, with jealous fears of his Majesties Interruption, if we look too high. Shall we therefore doubt of Justice, because we have need of great Justice? We may be confident the King well knows, That his Justice is the Band of our Allegiance: That 'tis the staffe, the proof of his Soveraignty.

'Tis a happy assurance of his intentions of grace to us, that our loyalty hath at last won him to tender the safety of his people: and certainly (all our pressures well weighed this 12 yeers last past) it will be found the passive loyalty of this suffering Nation, hath out-done the active duty of all Times and Stories. As the Poet hath it, *fortiter*

ille

ille facit, qui miser esse potest: I may as properly say, *Fideliter fecimus*, we have done loyally to suffer so *patiently*.

Then since our Royall *Lord* hath in mercy visited us, let us not doubt, but in his Justice he will redeem his people. *Qui timidè rogat docet negare.* But when Religion is innovated, our Liberties violated, our Fundamentall Laws abrogated, our modern Laws already obsoleted, the propriety of our Estates alienated. Nothing left us, we can call our own, but our misery and our patience: if ever any Nation, might justifiably, this certainly may now, now most properly, most seasonably cry out, and cry aloud, *vel Sacra Regnet Justitia, vel Ruat Cœlum.*

Mr. *Speaker*, the summe of my humble motion, is, that a speciall *Committee* may be appointed, to examine the whole carriage of that Extraiudiciall judgement. Who were the Counsellors, Soliciters, and subscribers to the same: the reasons of their Subscription, whether according to their opinions; by importunity or pressure of others, whether *pro forma tantum.* And upon report thereof to draw up a charge against the guilty, and then *Lex Currat, Fiat Justitia.*

A brief Discourse, concerning the power of the Peers and Commons of Parliament, in point of *Iudicature.*

SIR, to give you as short an account of your desires as I can, I must crave leave to lay you as a ground, the frame or first modell of this State.

When after the period of the Saxon time, *Harold* had lifted himself into the Royall Seat; the Great men, to whom but lately he was no more equall either in fortune

or power, disdaining this act, of arrogancy, called in *William*, then Duke of *Normandy*, a Prince more active than any in these Western parts, and renowned for many victories he had fortunately atchieved against the French King, then the most potent Monarch in Europe.

This Duke led along with him to this work of glory, many of the younger sons of the best families of *Normandy*, *Picardy*, and *Flanders*, who as undertakers, accompanied the undertaking of this fortunate man.

The Usurper slain, and the Crown by war gained, to secure certain to his posterity what he had so suddenly gotten, he shared out his purchase, retaining in each County a portion to support the Dignity Soveraign, which was styled *Demenia Regni*; now the ancient Demeans, and assigning to others his adventures such portions as suited to himself dependancy of their personall service, except such Lands as in free Almes were the portion of the Church, these were styled *Barones Regis*, the Kings immediate Freeholders, for the word *Baro* imported then no more.

As the King to these, so these to their followers subdivided part of their shares into Knights fees, and their Tenants were called *Barones Comites*, or the like; for we finde, as in the Kings Writ in their Writs *Baronibus suis & Francois & Anglois*, the Soveraigne gifts, for the most part extending to whole Counties or Hundreds, an Earl being Lord of the one, and a Baron of the inferiour donations to Lords of Town-ships or Mannors.

And thus the Land, so was all course of Iudicature divided, even from the meanest to the highest portion, each severall had his Court of Law, preserving still the Manner of our Ancestors the *Saxons*, who *jura per pages reddebant*; and these are still tearmed Court-Barons, or the Freeholders Court, twelve usually in number, who with the *Thane* or chief Lord were Iudges.

The Hundred was next, where the *Hundredus* or *Aldermanus*, Lord of the Hundred, with the chief Lord of each

each Township within their limits iudged; Gods people observed this form in the publike *Centureonis & decam Judicibant plebem omni tempore.*

The County or *Generale placitum* was the next, this was so to supply the defect, or remedy the corruption of the inferiour, *Ubi Curiæ Dominorum probantur defeciſſe, pertinet ad vice comitem Provinciarum*; the Iudges here were Comites, *vice comites & Barones Comitatus qui liberas in hoc terras habeant.*

The last and supreme, and proper to our question, was *generale placitum apud London universalis Synodus* in Charters of the Conquerour, *Capitalis curia* by *Glanvile, Magnum & Commune consilium coram Rege & magnatibus suis.*

In the Rolles of *Henry* the 3. It is not stative but summoned by Proclamation, *Edicitur generale placitum apud London*, saith the book of *Abingdon*, whether *Epium Duces principes, Satrapæ Rectores, & Causidici ex omni parte confluxerunt ad istam curiam*, saith *Glanvile*: Causes were referred, *Propter aliquam dubitationem quæ emergit in comitatu, cum Comitatus nescit dijudicare.* Thus did *Ethelweld*, Bishop of *Winchester*, transferre his suit against *Leostine*, from the County *ad generale placitum*, in the time of King *Ethelbred*, Queen *Edgine* against *Goda*; from the County appealed to King *Ethelbred* at *London. Congregatis principibus & sapientibus Angliæ*, a suit between the Bishops of *Winchester* and *Durham*, in the time of Saint *Edward. Coram Episcopis & principibus Regni in presentia Regis ventilate & finita.* In the tenth yeer of the Conqueror, *Episcopi, Comites & Barones Regni potestate adversis provinciis ad universalem Synodum pro causis audiendis & tractandis Convocati*, saith the book of *Westminster*. And this continued all along in the succeeding Kings raigne, untill towards the end of *Henry* the third.

AS this great Court or Councell consisting of the King and Barons, ruled the great affairs of State, and controlled all inferiour Courts, so were there certain Officers, whose transcendent power seemed to be set to bound in the execution of Princes wills, as the Steward, Constable, and Marshall, fixed upon Families in Fee for many ages: They as Tribunes of the people, or *explori* among the *Athenians*, grown by unmanly courage fearfull to Monarchy, fell at the feet and mercie of the King, when the daring Earle of *Leicester* was slain at *Evesham*.

This chance and the deare experience *H.* the 3. himselfe had made at the Parliament at *Oxford* in the 40. yeare of his Raign, and the memory of the many straights his Father was driven unto, especially at *Runny-mead* neere *Staines*, brought this King wisely to begin what his Successour fortunately finished, in lessoning the strength and power of his great Lords; and this was wrought by searching into the Regality they had usurped over their peculiar Soveraigns, whereby they were (as the booke of St. *Albans* termeth them.) *Quot Domini tot Tiranni*. And by the weakning that hand of power which they carried in the Parliaments by commanding the service of many Knights, Citizens, and Burgesses to that great Councell.

Now began the frequent sending of Writs to the Commons, their assent not only used in money, charge, and making Lawes, for before all ordinances passed by the King and Peeres, but their consent in judgements of all natures whether civill, or criminall: In proofe whereof I will produce some few succeeding Presidents out of Record.

ber S. Alban, l. 20. 7. An. 4. H. 3. When *Adamor* that proud Prelate of *Winchester* the Kings half brother had grieved the State by his daring power, he was exiled by joynt sentence of the King, the Lords, and Commons, and this appeareth expressely by the

the Letter sent to Pope *Alexander* the fourth, expostulating a revocation of him from banishment, because he was a Church-man, and so not subject to any censure, in this the answer is, *Si Dominus Rex & Regni majores hoc vellent*, meaning his revocation, *Communitas tamen ipsius ingressum in Anglium jam nullatenus sustineret*. The Peers subsign this answer with their names and *Petrus de Mountford vice totius Communitatis*, as Speaker or Proctor of the Commons.

For by that stile Sir *John Tiptofe*, Prolocutor, affirmeth under his Arms the Deed of Intaile of the Crowns by King *Henry* the 4. in the 8. year of his Raign for all the Commons. *Charta orig. sub sigil An. 8. H. 4.*

The banishment of the two *Spencers* in the 15. of *Edward* the second; *Prelati Comites & Barones & les autres Peeres de la terre & Communes de Roialme* give consent and sentence to the revocation and reversement of the former sentence the Lords and Commons accord, and so it is expressed in the Roll.

In the first of *Edw.* the 3. when *Elizabeth* the widdow of Sir *John de Burgo* complained in Parliament, that *Hugh Spencer* the yonger, *Robert Baldock*, and *William Cliffe* his instruments, had by duresse forced to make a Writing to the King, wherby she was dispoyled of all her inheritance, sentence is given for her in these words, *Pur ceo que avis est al Eveſques Counts, & Barones, & autres grandes & a tout Comunalte de la terre, que le dit escript est fait contre ley, & tout manere de raison si fuist le det escript per agard del Parliam. dampue elloquens al livre a ladit Eliz.* *Rot. Parl. 15. E. 3 vel. 2.*

In *An.* 4. *Edw.* 3. it appeareth by a Letter to the Pope, that to the sentence given against the Earle of *Kent*, the Commons were parties, as well as the Lords and Peeres, for the King directed their proceedings in these words, *Comitibus, Magnatibus, Baronibus, & aliis de Communitate dict. Regni ad Parliamentum illud congregat is injunximus ut super his discernerent & judicarent quod rationi & justitiæ* *Prelo. Parliam. 1. Ed. 3. Rot. 11*

justitiæ, conveniret, habere præ oculis, solum Deum qui eum concordi unanimi sententia tanquam reum criminis læsæ Majestatis morti adjudicarent ejus sententia, &c.

When in the 50 yeere of *Edw.* 3. the Lords had pronounced the sentence against *Richard Lions*, otherwise then the Commons agreed, they appealed to the King, and had red esse, and the sentence entred to their desires.

When in the first yeere of *Richard* the second, *William Weston*, and *John Jennings* were arraigned in Parliament for surrendring certain Forts of the Kings, the Commons were parties to the sentence against them given, as appeareth by a *Memorandum* annexed to that Record. In the first of *Hen.* the 4. although the Commons refer by protestation, the pronouncing of the sentence of deposition against King *Rich.* the 2. unto the Lords, yet are they equally interessed in it, as it appeareth by the Record, for there are made Proctors or Commissioners for the whole Parliament, one B. one Abbot, one E. one Baron, and 2. Knights, *Gray*, and *Erpingham* for the Commons, and to infer that because the Lords pronounced the sentence, the point of judgement should be only theirs, were as absurd as to conclude, that no authority was best in any other Commissioner of *Oyer*, and *Terminer* then in the person of that man solely that speaketh the sentence.

In 2. *Hen.* 5. the Petition of the Commons importeth no lesse than a right they had to act and assent to all things in Parliament, and so it is answered by the King; and had not the adjourned Roll of the higher House beene left to the sole entry of the Clark of the upper House; who, either out of the neglect to observe due forme, or out of purpose to obscure the Commons right, and to flatter the power of those who immediately served, there would have been frequent examples of all times to cleere this doubt, and to preserve a just interest to the Common-wealth, and how conveniently it suites with Monarchy to maintaine this forme, lest others of that well framed bodie knit

knit under one head, ſhould ſwell too great and monſtrous. It may be eaſily thought for; Monarchy againe may ſooner groan under the weight of an Ariſtocracie as it once did, then under Democracie which it never yet either felt or fear'd.

Sir *John Hollands* Speech in Parliament, 1640.

Mr. Speaker,

THe time of actions are not for rethorick and elocution which emboldens me to riſe; And though I muſt acknowledge my ſelfe to be one of the yongeſt Schollers, and meaneſt proficients in this great Schoole of wiſedome, yet I conceive it a great part of my duty at this time both to deliver my ſuit and conſcience. We are called hither Maſter Speaker by the Royall power, we ſit here by the Kings Majeſties grace and favour, and ſince his Majeſty hath beene graciouſly pleaſed to leave the government of all in our hands, I doubt not but we ſhall lay ſuch a foundation in the beginning of this Parliament, that we ſhall make it a happy Age, a long laſting one ſince the dangers of theſe times, the preſent diſtempers of this State, and therein both his Majeſtie, and our neceſſities, yea and the whole Kingdomes ſafety do require it.

We are called now, Maſter Speaker, as I conceive from the reports you have made of his Majeſties gracious Declaration, for foure principall cauſes. Firſt, for ſupply of his Majeſties wants. Secondly, for the relief of our Brethren in the Northern parts. Thirdly, for the remove

of the *Scots* forces. Fourthly, for redreſſe of ourowne grievances. That his Majeſties wants are great and many, Maſter Speaker, I thinke there is no man doubts it; and it is as certain our grievances are ſo to, they are great and many both in Church and Common-wealth; I ſhall but touch them in either, ſince they have been ſo fully remonſtrated in both.

Firſt in the Church, by the uſurping power of ſome Prelates and their adherents, by which means many great dangers, innovations of doctrines, of diſcipline, of government have been thruſt upon us.

Secondly in the Church, by publique ſufferances of Prieſts and Jeſuits, not only to come into the land, by which means the number of Romiſh Catholiks are dangerouſly multiplied, Idolatry increaſed, and Gods heavie judgements highly provoked.

Thirdly in the Common-wealth, by the late inundations of the Prerogative Royall, which have broken out, and almoſt overturned all our liberties, even thoſe which have been beſt and ſtrongeſt fortified, the *Grand Chartea* it ſelf Mr. Speaker, that which hath been ſo oft, ſo ſolemnly confirmed in the Succeſſion of ſo many Princes, ratified in his Majeſties name, founded by the wiſedome of former ages, purpoſely to keepe the beame over and between Soveraignty.

Even this Maſter Speaker, the deareſt and chiefeſt part of our inheritance hath been infringed, broken, and ſet at nought in the Common-wealth by the over-potencie of ſome faire great ones, ſacred Councellors of State; by whoſe advices it is thought the greateſt part of theſe preſent diſtempers, under which the body of this Common-wealth at this time labours, doe deprive their originalls.

Fourthly in the Common-wealth, by the miſchievous practiſes and policies of ſome ſubtill Projectors, and under the title of the Kings profit, and the publique good;

they

they have entitled themselves to great and vast estates, and that by the dammage of the whole Kingdome.

They are Master Speaker, the very moths and cankers that have fretten and eaten out all Trade and commerce, the very beauty, strength, and health of this famous Island.

In the Common-wealth, by the entertainment of Forraigners and strangers, and that at his Majesties excessive charge, by which means his Majesties Coffers are emptied, his Revenues shortned, and the whole Kingdome many other wayes oppressed. But Master Speaker, I shall not trouble my selfe any further in so vast, so large a field; I shall now represent my owne weak apprehensions for our progressions in all the particulars for which we have been called, and in all humility submit unto them.

First, of supply in his Majesties wants, I do humbly desire we may proceed there within its due time; and that with as much loyall dutie and liberality, as ever any people expressed towards their Prince, I think I may say the present affairs of the Kingdome require it.

For the reliefe of our Brethren in the Northern parts, with a sense of charity, and fellow feeling of the miseries, afflictions, and losses, In the removing of the *Scottish* Armie with a soft and gentle hand of mediation, purification, and reconciliation, if possible it may be wrought with his Majesties honor, and the Kingdomes safety (if not) then to repell and repulse them with stout and resolute spirits, with valiant and united hearts and hands, such as shall best suite with our duty to God, our King, our Country; such as shall best become his honor, and ancient renowne of this English Nation.

In redresse of our grievances in those of the Church, which ought to have priority in our consultation; as well in respect of necessity, as dignity. In these Master Speaker, I do humbly desire, and doubt not but we shall

proceed with all true piety, and wall grounded on each guiding Helve towards Gods Houſe, and his truth. In thoſe of the Communalty, with a religious care of our Countries freedom, in the faithfull performance of the truſt repoſed in us, by them that ſent us, in the preſervation of our rights, our ancient rights, the rights of our inheritance, our liberties, our priviledges, our properties.

Yet in all, Mr *Speaker*, I do humbly deſire we may proceed, as beſt ſuiting the matter and condition of theſe diſtempered times, or as beſt becoming the honour, dignity, and wiſedom of this ſo great a Court, ſo great Councell, with all temper, modeſty, and all due moderation.

SIR

EDWARD HALE

HIS

SPEECH.

Mr. *Speaker*,

HIs Majeſty hath been graciouſly pleaſed to call us together again, to conſider freely of all matters of grievances, both of this Church and Common-wealth of *England*, and for to be aſſiſtants in our Counſels and helps unto him, about the Scottiſh Nation, that forceably have entred into our Kingdom, ſo as they may be ordered into their own Country, or chaſed away out of this, without any diſhonour to the Kings Majeſty and this Kingdome; all

all which matters are of great importance, moment, and consequence, and will crave great consideration and debating, in our best wills, wisedoms, and discretions, and that must be freely to give us leave.

First therefore, under your favour, I do conceive it fit to make this a happy Parliament, to begin at home; For better it were the Scots come unto us, than the devill should raise his Army, to overthrow us both in Church and Common-wealth.

For it is too plain, he is come with great power, and his malice is great, and his policy strong, put into the heads of the Papists (no mean ones) and Prelates, Schismaticks, and Atheists, in severall Bands, which hath and seeketh to prevail so much by their severall designes. Carefully, lovingly, and dutifully mentioned, and rightly too by the Lords Petition at *York*, and by a Petition of the Citizens at *London*, and also by a Petition of worthy Gentlemens sons, Apprentices thereof, so reputed to be. All which show the whole estate of our Church and Common-wealth to be grievously diseased of a Plurisie, and must have a present and good cure, or else *England* is overthrown, which is the mother and Almoner of the Kings well-fare, and his posterity. Which disease, the King not fearing nor knowing, he had some ill counsell to let it run so farre in jeopardy of trouble and distresse; And herein give me leave to tell you the story of *Noah*, a King in the the Ark; yet after he was over-shot, and taken by the Vines of his own planting, and brought himself to some dishonour thereby, as some use our English Kings heretofore have done by their favourites, untill they saw it, and this is it that made the Papists and Prelates rejoyce in their own wisedom and honour, like *Cham*, that saw his father so deceived; but such deserve a curse for it, both of God and man, in respect of the matters contained in the foresaid Petitions of our English Lords, as also for that the former Parliament might have settled all things in

quiet, enriched the Kings Coffers, enabled to withstand all powerfull pretences, and no doubt, but to have qualified the humour of the Scots, to all our contents. Therefore these deserve the curse of *Cham* that were movers and stoppers, and hinderers of it.

When things might have been composed convenient, without warre or strife, and not upon so extreme necessity, which is now brought upon us, and maketh the Scots proverb in use (necessity hath no Law) for their defence.

But now our Proverb is drawn from thence, we must make a vertue of necessity, a hard case for a good take heed and counsell; For since the plot of an after intended warre, had an ill policy, that would wrong good *Noah* their father, and his children, in such a manner of proceeding, and then in glory and defence of it, against this House of Commons, cause a booke to be published against our proceedings, these men which were the cause of publishing of it, are fit to publish't as *Noahs* cursed son *Cham*, shameless. And we for our parts in the House of Commons, together with the higher House of Lords, I hope will not so leave them, but be rejecters of them, as good *Shem* and *Japheth*, acknowledging them to be vain members, that go about to supplant our wrong, the Vineyard, our just King and his Kingdom.

Now therefore consider the former, it shall be fit before we enter upon conference, to be strengthened and enabled for discharge of our well meaning both to our King and Country, answerable to his late speech, to gain and obtain his free love, consent, power on these three points and cautions, handled and moved the last meeting.

First, free liberty of speech.

Secondly, each ones right to our selves.

Thirdly, for reformation of Religion.

And these things granted to proceed freely without delay of time or matters, to the cure of such deadly diseases if they be let alone.

First,

First, I would conceive, under favour of bette judgements, to begin with *Sathans* Roots of evill, *viz.* All Papists, because they are of the most dangerous seed of the Serpent, to the hurt of the Church and Commonwealth herein; that we agree with a generall consent of Parliament, to search, see, and finde out all the Jesuits, Priests, Friars, Cappuchines, and all such Romish factions; and by order to all the Justices of Peace in England, to imprison them, or to send them all to some out-Townes, to banish them all out of the Land speedily, while you be in other Councell here sitting, and thence to ship them away at their owne chages, and upon good bonds and security, that they never return into *England*, *Scotland*, or *Ireland*; and if they should, both the bonds and the Lawes to be executed upon them.

And for other long Inhabitants, Papist, and Recusants, such as may seeme honest Subjects (only for Religion) the old orders and Statutes to be put in execution, without the abatement of the penalties, till they shall conforme to our Religion; and if any have wincked, or underhand compounded for the time past, to be punished, and made pay so much unto the Kings Cofers, as justly due by the Statute ever since King *Charles* his Raigne.

The first course and Act of Parliament being speedily put in execution whilest we sit here, will not only excuse the pretended charity that *Papists* hope for from the King and Queen, but will also manifest the true piety against their heresies for ever, and will be a good satisfaction to the *Scots*, which make these one of the chiefest intents and causes of their comming into this Kingdome, which we wish they had no worse intents; and sure it will be a means to try their intents, and our owne too, and then we have hope to entreat the *Scots* to stay our leisures.

Sir

Sir *John Wray* his Speech touching the *Canons* the 15. of December, 1640.

Mr. Speaker,

A Man may easily see to what tend all these innovations and alterations in Doctrine and Discipline, and (without perspect time) discover a farre off the active toylsomenesse of these spirituall Ingineeres to undermine the old and true foundation of Religion, and establish their tottering heresie in Rome thereof, which least it should not hold being built with untempered morter: You see how carefull they are by a past oath to force mens consciences not to alter their government Archiepiscopall.

And Master Speaker, the thoughts of the righteous are right, but the counsells of the wicked are deceits, and nothing else in their hearts but destructions and devastations, but to the counsellors of peace is joy, so long as they kept themselves within the circle of the spirituall commerce, and studied to keepe mens hearts upright to God, and his Truth; there was no such complaining in our Streets of them, nor had we never seene so many thousand hands against them as now there are come in. And no marvell though God withdrawes so many hearts and hands from them, who have turned so many out of the way of truth, (*vita tuta*) they have stopt up but (*via devia*) they have enlarged and layd open, as appears by their crooked Canons,

Master

Master Speaker, I shall not goe about to overthrow their government in the plurall, but to limit it, and qualifie it in some particulars. For Sir *Francis Bacon* long since well observed there two things in the government of Bishops, of which he could never be satisfied, no more can I; the first was the sole exercises of the authorities.

And secondly, by the deputation of that authority.

But Master Speaker, I shall not now dispute of either, for mine own part Master Speaker, I love some of them so well, and am so charitable to the rest, that I wish rather their reformation, then their ruine.

But let me tell you withall, that if we should finde amongst them any proud *Becket*, or *Wolsey* Prelates, who stick not to write *Ego & Rex meus*. Or if there shall be found any cruell *Bonners*, &c. such I confesse I would not spare, for they will spare none. But in the counterballance, if there may be found but one good *Cranmer*, or one good *Latimer*, or *Ridley*, I would esteeme and prize them as such jewels to be set in the Kings own Cabinet; for such I am sure will pray for the peace of *Jerusalem*, and for the peace of King *Charles*, and his three Kingdomes, which God long preserve in concord and unity.

But Master Speaker, we must also be Actors in the preservations of Religious concordance, which wil never be safe, nor well at quiet, untill these heavy drossie Canons with all their base mettall be melted and dissolved; let us then dismount them, and destroy them, which is my humble motion.

A

SECOND SPEECH

made by Sir *John Wray*, in the Commons-Houſe, 24. November, 1640.

Mr. *Speaker*,

BY the report made from the Committee of Religion, you may ſee to what exorbitant height Poperie is growne, and yet how ſlowly we go on to ſuppreſſe it. I feare God is diſpleaſed with us, or elſe no diſaſter ſhould have prevented the ſealing of our Covenant, when intended, and I hope it ſhall be performed the next Sabbath.

Had our Faſt beene accepted, and our Humiliation Cordiall, no blow ſhould have diſtracted our preparation. Maſter Speaker, if we had taken the good Counſell of our Teachers at the Faſt, and beleeved their Report, we had done well; and by this time (no doubt) we might have found out *Aban* with his Wedge of Gold, and Babiloniſh garment. But we have ſpent our time onely in peeling of the Barke, and

and ſnatching the boughes and branches of Poperie, and that will doe us no good, for they will prove, and grow thicker and harder.

What muſt we do then, Maſter Speaker, to preſerve our Religion ſafe and ſound to us and to our Poſterity, that our Candleſticke be not removed. The only way is to fall to our worke in earneſt, and lay the Axe to the Root, to unlooſe the long and deepe fangs of Poperie and Superſtition, which being once done, the bodie will ſoone fall downe.

Let us then Maſter Speaker, endeavour a through Reformation; for if it be imperfect, it will prove the ſeed of diſſolution, if not diſſolutions, which God forbid. And to prevent it, I ſhall humbly move that the Groves and High-places of Idolatry may be removed and put down, and then Gods wrath will be appeaſed, and till then never.

***

Mr. GRIMSTONS SPEECH,

In the House of Commons IN PARLIAMENT, CONCERNING EPISCOPACY,

In *Feb.* 1640.

Mr. *Speaker*,

THese two honorable Lords, Lord *Digby*, Lord *Faulkland*, that spake last, have not only prevented me in much I intended to have spoken my self, but they have likewise taught me much I knew not before; Therefore it is not much you can expect from me: All that I shall say at this time, is rather to prepare the matter for the question, which hath already been so learnedly debated by them, than to speak any thing of the matter it self. I must confesse, when I look upon the Bishops, or at least, upon some of them, and the way of their Government, and the sufferings of the people, under their Tyranny: I wonder not at all at the multitude of Petitioners and Petitions, that have this Parliament been preferred against them, and that they all cry out, Crucifie Crucifie, or that they would have been up by the roots, but it

is

is neceſſary we ſhould diſtinguiſh between the perſons of the Biſhops, which are ſo obnoxious, and their Functions and Offices; for there is no more weight in the Argument, that becauſe the Biſhops have done amiſſe, therefore take away Epiſcopacy, than there is in it, becauſe the Judges of the Common Law are in fault, therefore take away Judges, and take away the Common Law: For my own part; I conceive it an eaſier matter, and ſafer for us, (*Addere Inventis*) to reform what is amiſſe in them and their Government, then (*Creare Novum*) to ſet up a new form of Goverment, w^ch we have had no experience of, nor do we know how it ſhould ſuit either with the humours of the people, or with the Monarchiall Government; And it may be the new Government which is ſo much deſired, if it be brought in upon the grounds and foundations that ſome would have it, it will be out of our powers ever to miniſter it again. Whereas on the other ſide, the Government which is already eſtabliſhed, if the Governours exceed their bounds, they may fall into a *Premunire*, and other penalties which the Law hath provided in that Caſe; and if that be not ſufficient, we have yet another hanck upon them, for our Parliaments have continually a command over them.

Then, Sir, It may be demanded of me of their being ſo much amiſſe, what is that I would have done?

Truely Sir, I am of opinion, that much muſt be done, or elſe we had as good do nothing.

Therefore I come to the particulars, Church Government may be compared to a Caſtle, let a Caſtle be never ſo ſtrong, once in four-ſcore yeers (for ſo long it is ſince the firſt reformation) it may need repair, and it is not the Caſtle alone, I mean the Government, that needs repair, but likewiſe the Governours themſelves, who moſt wickedly and trayterouſly have turned their Canons upon us, which ſhould have been uſed for our defence.

In the firſt place therefore I conceive it not onely con-

venient,

venient, but of absolute necessity, and the payring of their excrescences, I mean their temporall Jurisdiction: I must confesse, I know not to what purpose they should sit upon our Benches at our Sessions of the Peace, and Goal-Deliveries, or in the Starre-Chamber, for by woefull experience, we finde that their Judgements are guided there more by their boundlesse wills, and fiery transported passions, than by reason, and the rule of Law, which ought to have been their director. I conceive that of lesse use their sitting at the Councell boord, to be there at the Helm to guide and steer the temporall affairs of the Common-wealth, certainly that is not the Plough they ought to follow, and by the neglecting of it, that is the reason that so many briers, brambles, and stinking weeds, are sprung up in Gods House, the Church, to the great destruction of all his Majesties Kingdoms here at home, and the great wonder and amazement of all the reformed Churches abroad.

And I conceive it of the least use of all their sitting in Parliaments, as powers to give their voices in the making of Laws; and yet I would not utterly exclude them. For I conceive it might be convenient that all, or at least, some of them might alway be present there as Assistants, to give their advice in Spirituall matters when they are thereunto required by the Lords, as the Justices do in Temporall.

In the next place I conceive it of, as absolute necessity, the robbing of the Jurisdiction of the high Commission Court, or at least, to limit and bound it, that it may (*quadrare*) with the great *Charter* of our liberties, and the Laws of this Kingdom.

This Court hath for many yeers together, ridden upon the back of the common Law Courts, which ought to have been subservient to them. Each river must be kept within its own bounds, and it is unpossible to have two Suns shine together in one Firmament.

They have likewise many superfluous Courts, which I conceive

conceive might very well be ſpared, as their Officiall Courts, and Commiſſary Courts. Sir, they are no better than cozening Lotteries, where the Kings Subjects are detained of their moneyes, and where their Judges and inferiour Officers do, like Phyſitians that alway cure themſelves, though they deſtroy their patients. I confeſſe, I could willingly give my conſent that they ſhould keep their Chancellors Court, and an Archdeacon Court, if ſuch limits and bounds were put upon them, as by the wiſedom of this Houſe may eaſily be done.

The Chancellor is *(cuſtos conſciencie)* the Keeper of the Biſhops conſcience, and the Archdeacon is *(oculus Epiſc.)* the Biſhops eye; And as I would not take away their conſciences or their eyes, ſo I would not have them like *Briarius* have their finger in every buſineſſe. This Sir, I have ſhortly preſented you with my opinion, that is, that I am not willing it that ſhould be referred to, or committed upon the point of ſubverſion, but I am willing it ſhould be referred upon the point of reformation. And if the ſence of the Houſe ſhall run that way, I doubt not but at the Committee I ſhall make it manifeſt, that my heart ſtands affected with as much zeal, for the having a reformation, as any man that ſits within theſe walls.

DENSELL

DENSELL HOLLIS Esquior, His speech at the deliverie of the Protestation to the LORDS, *May* the fourth, 1641.

My Lords,

THe Knights, Citizens and Burgesses of the House of Commons, having taken into their consideration the present estate and condition of this Kingdome, they finde it surrounded with variety of pernicious dangers, and destructive designes, practises and plots, against the well being of it, and some of those designes, hatched within our owne bowells, and Viper-like working our own destruction.

They finde Jesuits, and Priests conspiring with ill ministers of State, to destroy our Religion; they finde ill ministers conioyn'd together to subvert the Lawes and liberties. They finde obstructions of Justice, which is the life-bloud of every State, and having a free passage from the Soveraign power, where it is as primarily seated as the life-bloud in the heart, and there derived from the severall Judicatories, or through so many veins, into all the parts of this great collective Bodie, doth give warmth and

and motion, to every part and member, which is nourished and inlivened by it. But being once precluded stoppd, and reared as the particular must of necessity faint and languish, so must the whole frame of government be dissolved.

And consequently Soveraignty it selfe (which as the heart in the body, is *primum movens, & ultimum moriens*, must dye and perish in the generall dissolution, and all things as in the beginning *in antiquum Chaos*.

My Lords,

They finde the property of the Subject invaded and violated, his estate rent from him by illegall taxations, Monopolies and proiects almost upon every thing that is for the use of man, not only upon superfluities, but necessaries? and that enrich the Vermine and Caterpillers of the Land, and impoverishing good Subiects, to take the meat from the Children, and give it to Dogs.

My Lords, if the Commons finde these things, they conceive they must needs be ill counsels, that have brought us into this condition.

These Counsels have put all into a combustion, have discouraged the hearts of all true English men, and brought two Armies into our bowels, which is the Ulture upon *Prometheus*, eats through, and sucks and gnaws our very hearts out.

Hic Dolor, sed ubi Medicina?

Heretofore Parliaments were the *Catholicall*, the balm of *Gilead*, which healed our wounds, restored our spirits, and made up the breaches of the *Land*.

But of late years they have been like the Fig-tree in the Gospel, without effecacie, without fruit, onley destructive to their particular members, who discharged their duties and consciences no way beneficiall to the Common-welth. *Nobis exitiale, nec Reipublico profuturum.* As he saith in *Tacitus*, being taken away still as *Elias* was with a whirle-wind, never comming to any maturity, or

to their naturall end, whereas they should be like the blessed old man, who dieth, *plenus dierum*, in a full age, after he had fought a good fight, and overcome all his enemies, Or as the shocke of wheat, which commeth in due season to fill our Garnaries with corn, uphold our lives with the staffe of bread; for Parliaments are our *panis quotidianus*, our true bread, all other waies are but *Quelkachoes* which yeeld no true nourishment, bread, nor good blood.

The very Parliament which hath sate so long, hath but beat the Ayre, and strive against the streame. I may truly say the wind and tyde hath still been against us. The same ill counsell which first raised the storm, and almost shipwrackt the Common-wealth, they still continue, they blow strong like the East wind that brought the Locusts over their Counsells, crosse our designes, cast difficulties in our way, hinder our proceedings, and make all that we do to be fruitlesse and ineffectuall: They make us not masters of our busines, and so not masters of many, which have been the great busines of this Parliament, that we might pay the Armies, according to our promises and engagements.

For my Lords, our not effecting of the good things which we have undertaken for the good of the Church and of the Common-wealth, hath wounded our Reputation, and taken off from our credit.

Is it not time then, my Lords, that we should unite, and concentrate our selves, in regard of this *Anteparistasis*, of hurtfull and malicious intentions and practises against us.

My Lords, it is most agreeable to nature, and I am sure most agreeable to reason, in respect of the present coniuncture of our affairs, for one main Engine by which our enemies work our mischief, is by infusing an opinion and belief into the world, that we are not united among our selves. But like *Sampsons* Foxes, we draw severall wayes, and tend to our severall ends.

To

To defeat the Counſels of theſe *Achitophels* which would involve us. Our Religion, our being, our Lawes, our liberties, all that can be neere and deere unto an honeſt ſoule, in one univerſall and generall deſolation, to defeat I ſay, the Counſels of evill *Achitophels*, the Knights, Citizens and Burgeſſes of the Houſe of Commons (knowing themſelves to be ſpecially entruſted with the preſervation of the whole, and in their Conſcience are perſwaded that the dangers are ſo eminent, as they will admit of no delay) have thought fit to declare their united affections, by entring into an aſſoſciation amongſt themſelves, and by making a ſolemne Proteſtation and vow unto their God, that they will unanimouſly endeavour to oppoſe and prevent the Counſels and Counſellours which have brought upon us all theſe miſeries, and the fears of greater, to prevent the ends, and bring the Authors of them to condigne puniſhment, and thereby diſcharge themſelves better before God and man.

The Proteſtation your Lordſhips ſhall have read unto you, together with ground and reaſons which have induced the Houſe of Commons to make it, which are prefixed before it by way of Preamble.

Then the Proteſtation was read by Maſter *Maynard*.

Die Mercurii 5 May, 1641.

IT is this day ordered by the Houſe of Commons now aſſembled in Parliament, that the Preamble, togtheer with the Proteſtation which the Members of this Houſe made the third of *May*, ſhall be forthwith Printed, and the Copies printed, brought to the Cleark of the ſaid Houſe, to Atteſt under his hand, to the end that the Knights, Citizens, and Burgeſſes may ſend them down to the Sheriffes, and Juſtices of Peace of the ſeverall Shires, and to the Citizens and Burgeſſes of the ſeverall Cities, Boroughes, and Cinque Ports reſpectively. And the Knights, Citizens, and Burgeſſes are to intimate unto the Shires, Cities, and Boroughes, and Cinque Ports, with what willingneſſe all the Members of this Houſe made this Proteſtation. And further to ſignifie, that as they juſtifie the taking of it in themſelves, ſo the cannot but approve it in all ſuch as ſhall take it.

A Preamble with the Proteſtation made by the whole Houſe of Commons the third of *May*, 1641. and aſſented unto by the Lords of the upper Houſe the fourth of *May* laſt paſt.

WE the Knights, Citizens, and Burgeſſes of the Commons Houſe in Parliament, finding to the grieſe of our hearts, that the deſignes of the Prieſts and Jeſuits, and other adherents to the See of *Rome*, have of late

late more boldly and frequently put in practice then formerly, to the undermining and danger of the Ruine of the true reformed Religion, in his Majesties Dominions established, and finding also that there hath bin, and having cause to suspect there still are, even during the sitting in Parliament, endeavours to subvert the fundamentall Lawes of *England*, and *Ireland*, and to introduce the exercise of an Arbitrary and tyrannicall government, by most pernicious and wicked counsells, practises, plots, and conspiracies, and that the long intermision, and unhappier breach of Parliaments, hath occasioned many illegall Taxations; whereupon the Subjects have beene prosecuted and grieved, and that divers Innovations and Superstitions have been brought into the Church, Multitudes driven out of his Maiesties Dominions, Jealousies raised and Fomented between the King, and his people, a Popish Armie leavied in *Ireland*, and two Armies brought into the bowels of this Kingdome, to the hazard of his Majesties Royall Person, the Consumption of the Revenue of the Crown, and the treasure of this Realme. And lastly, finding the great causes of Jealousie, endeavours have beene and are used to bring the English Armie into mis-understanding of this Parliament; thereby to encline that Armie by force, to bring to passe those wicked counsells, have therefore thought good to joyn our selves in a Declaration of our united affections, and resolutions, and to make this ensuing Protestation.

The Protestation.

I *A.B.* Do in the presence of Almighty God, promise, vow, and protest to maintain and defend, as farre as lawfully I may, with my life, power, and estate, the true Reformed Protestant Religion expressed in the Doctrine of the Church of *England*, against all popery and popish Innovation within this Realm, contrary to the said Doctrine, and according to the duty of my Allegiance, I will maintain and defend his Majesties Royall Person, Honor, and Estate.

As also the power and priviledge of *Parliaments*, the lawfull Rights and Liberties of the Subjects. And every person that shall make this Protestation, in whatsoever he shall do in the lawfull pursuance of the same, and to my power, as farre as lawfully I may, I will oppose, and by all good wayes and means endeavour to bring condigne punishment on all such as shall by force, practice, counsels, plots, conspiracies, or otherwise, do any thing to the contrary in this present protestation contained, and further, that I shall in all Just and Honorable wayes, endeavour to preserve the union and peace betwixt the three Kingdoms of *England*, *Scotland*, and *Ireland*. And neither for hope, fear, or any other respects, shall relinquish this promise, vow, and Protestation.

The

The Bill of Attainder, that passed against *Thomas*, Earl of *STAFFORD.*

WHereas the Knights, Citizens, and Burgesses of the House of Commons, in this present Parliament assembled, have, in the name of themselves, and of all the Commons of *England*, impeached *Thomas*, Earl of *Strafford* of high Treason, for endeavouring to subvert the Ancient and Fundamentall Laws and Government of his Majesties Realms of *England* and *Ireland*, and to introduce an Arbitrary and Tyrannicall Government against Law in the said Kingdoms; and for exercising a Tyrannous and exorbitant power, over and against the Laws of the said Kingdoms, over the Liberties, Estates, and Lives of his Majesties Subjects; and likewise for having by his own authority, commanded the laying and assessing of souldiers upon his Majesties Subjects in *Ireland*, against their consents, to compell them to obey his unlawfull commands and orders made upon paper Petitions, in causes between party and party, which accordingly was executed upon divers of his Majesties Subjects in a Warlike manner, within the said Realm of *Ireland*; and in so doing, did levie Warre against the Kings Majesty and his liege people in that Kingdome; And also for that he upon the unhappy Dissolution of the last Parliament, did slander the House of Commons to his Majesty, and did counsell and advise his Majesty, that he was loose and absolved from the rules of Government, and that he had an Army in *Ireland*, by which he might reduce this Kingdom; for which he deserves to undergo the pains and forfeitures of high Treason.

And the said Earl hath been also an Incendiary of the

Warre

Warres between the two Kingdoms of *England* and *Scotland*: all which offences have been sufficiently proved against the said Earl upon his impeachment.

Be it therefore enacted by the Kings most Excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by authority of the same, That the said Earl of *Strafford* for the haynous crimes and offences aforesaid, stand, and be adjudged and attainted of high Treason, and shall suffer such pain of death, and incurre the forfeitures of his Goods, and Chattels, Lands, Tenements, and Hereditaments of any estate of Free-hold or Inheritance in the said Kingdoms of *England* and *Ireland*, which the said Earl, or any other to his use, or in trust for him, have or had the day of the first sitting of this present Parliament, or at any time since.

Provided that no Judge or Judges, Justice or Iustices whatsoever, shall adiudge or interpret any Act or thing to be Treason, nor in any other manner than he or they should or ought to have done before the making of this Act, and as if this Act had never been had or made. Saving alwayes unto all and singular persons and bodies, politique and corporall, their Heirs and Successors, others than the said Earl and his heirs, and such as claim by, from, or under him, all such right, title, and interest, of, in, and to all and singular, such of the said Lands, Tenements, and Hereditaments, as he, they, or any of them, had before the first day of this present *P*arliament, any thing herein contained to the contrary notwithstanding.

*P*rovided that the passing of this present Act, and his Maiesties assent thereunto, shall not be any determination of this present Sessions of *P*arliament, but that this present Sessions of *P*arliament, and all Bills and matters whatsoever depending in Parliament, and not fully enacted or determined. And all Statutes and Acts of *P*arliament, wch have their continuance untill the end of this present Session of *P*arliament, shall remain, continue, and be in full force, as if this Act had not been.

The

The first Speech concerning the the right of Bishops to sit in Parliament, *May* 21. 1641.

My Lords,

I Shall take the boldnesse to speak a word or two upon this subject, first as it is in it self, then as it is in the consequence: For the former I think he is a great stranger in Antiquity, that is not well acquainted with that of their sitting here, they have done thus and in this manner, almost since the conquest, and by the same power and the same right the other Peers did, and your Lordships now do, and to be put from this their due, so much their due, by so many hundred yeers strengthned and confirmed, and that without any offence, nay pretence of any, seems to me to be very severe; if it be *jus*, I dare boldly say it is *summum*. That this hinders their Ecclesiasticall vocation, an argument I heare much of, hath in my apprehension more of shadow, then in substance in it: if this be a reason, sure I am it might have been one six hundred yeers ago.

A Bishop, my *Lords*, is not so circumscribed within the circumference of his Diocesse, that his sometimes absence can be termed, not in the most strict sense a neglect or hindrance of his duty, no more than that of a *Lieutenant* from his County, they both have their subordinate Ministers, upon which their influences fall, though the distance be remote.

Besides my *Lords*, the lesser must yeeld to the greater

good, to make wholesome and good Lawes for the happy and well regulating of the Church and Common-wealth, [illegible] more advantagious to both, then the want of [illegible] execution of their office, and that but once [illegible] years, and then peradventure but a moneth or [illegible] be prejudiciall to either. I will go no further to [illegible] which experience hath done so fully, so demonstra-

And now my *Lords*, by your Lordships good leave, I [illegible] peak to the consequence, as it reflects both on your [illegible] ships, and my Lords the Bishops. Dangers and inconveniencies are ever best prevented *è longinquo*; this [illegible] cannot comes neer to your Lordships, and such a one, *tuo nomine de vobis* Pretences are never wanting, nay, sometimes the greatest evils appeare in the most faire and specious out-sides, witnesse the Shipmony, the most abominable, the most illegall thing that ever was, and yet this was painted over with colour of the Law; what Bench is [illegible] e, if to alleage be to convince, and which of your Lordships can say then he shall continue a member of this House, when at one blow twenty six are cut off. It then behoves the Neighbour to look about him, *cum proximus ardet Vcalegon.*

And for the Bishops, my Lords, in what condition will you leave them? The House of Commons represents the meanest person, so did the Master his slave, but they have none to do so much for them, and what justice can tie them to the observation of those Lawes, to whose constitution they give no consent, the wisdome of former times, gave proxies unto this House meerly upon this ground, that every one might have a hand in the making of that, which he had an obligation to obey: This House could not represent, therefore proxies in roome of persons were most justly allowed.

And now my *Lords*, before I conclude, I beseech your Lordships to cast your eyes upon the Church, which I know

know is most dear and tender to your Lordships, you will see her suffer in her principall members, and deprived of that honor which here and throughout all the Christian World, ever since Christianity she constantly hath enjoyed; for what Nation or Kingdome is there, in whose great and publike assemblies, and that from her beginning, she had not some of hers if I may not say as essentiall, I am sure I may say as integrall parts thereof; and truly my Lords, Christianity cannot alone boast of this, or challenge it only as hers, even Heathenisme claims an equall share.

I never read of any of them, Civill, or Barbarous, that gave not thus much to their Religion, so that it seems to me to have no other originall, to flow from no other spring than Nature it selfe.

But I have done, and will trouble your Lordships no longer, how it may stand with honor and justice of this House to passe this Bill, I most humbly submit unto your Lordships, the most proper and only Judges of them both.

The second Speech about the lawfulnesse and conveniency of their intermedling in Temporall Affaires.

My Lords,

I Shall not speake to the Preamble of the Bill, that Bishops, and Clergie men ought not to intermeddle in temporall affairs. For, truly my Lords, I cannot bring it under any respect to be spoken of. *Ought* is a word of relation, and must either refer to humane or divine Law.

to prove the lawfulneſſe of their intermedling by the former, would be to no more purpoſe, than to labour to convince that by reaſon, which is evident to ſenſe. It is by all acknowledged. The unlawfulneſſe by the latter, the bill by no means admits of, for, it excepts Univerſities and ſuch perſons as ſhall have honour deſcend upon them. And your Lordſhips know, that circumſtance and chance alter not the nature and eſſence of a thing, nor can except any particular from an univerſall propoſition by God himſelf delivered. I will therefore take theſe two as granted, firſt that they ought by our Law to intermeddle in temporall affairs, ſecondly, that from doing ſo they are not inhibited by the Law of God, it leaves it at leaſt as a thing indifferent. And now my Lords, to apply my ſelf to the buſineſſe of the day, I ſhall conſider the convenience, and that in the ſeverall habitudes thereof, but, very briefly; firſt, in that which it hath to them meerly as men; *qui tales*, then as parts of the Common-wealth, Thirdly, from the beſt manner of conſtituting laws, and laſtly, from the practice of all times both Chriſtian and Heathen.

Homò ſum nihil humanum à me alienum puto, was indeed the ſaying of the Comedian, but it might well have becom'd the mouth of the greateſt Philoſopher. We allow to ſenſe, all the works and operations of ſenſe, and ſhall we reſtrain reaſon? muſt onely man be hindered from his proper actions? They are moſt fit to do reaſonable things that are moſt reaſonable. For, Science commonly is accompanied with conſcience; So is not ignorance: they ſeldome or never meet. And why ſhould we take that capacity from them, which God and nature have ſo liberally beſtowed?

My Lords, the politike body of the Common-wealth is analogicall to the body naturall: every member in that contributes ſomething to the contribution of the whole, the ſuperfluity or defect which hinders the performance of that duty, your Lordſhips know what the Philoſopher calls ἁμαρτίαν τῆς φύσεως, Natures ſin. And truely my Lords,

Lords, to be part of the other body, and do nothing beneficiall thereunto, cannot fall under a milder term. The common-wealth subsists by laws and their execution: and they that have neither head in the making, nor hand in the executing of them, conferre not any thing to the being or well being thereof. And can such be called members, unlesse most unprofitable ones? onely *fruges consumere nati.*

3. Me thinks it springs from nature it self, or the very depths of Justice, that none should be tied by other Laws than himself makes, for, what more naturall or just, than to be bound onely by his own consent? to be ruled by another's will, is meerly tyrannicall. Nature there suffers violence, and man degenerates into beast. The most flourishing Estates were ever governed by Laws of an universall constitution; witnesse this our Kingdom, witnesse *Senatus populusque Romanus*, the most glorious Common-wealth that ever was, and those many others in *Greece*, and elsewhere, of eternall memory.

4. Some things, my Lords, are so evident in themselves, that they are difficult in their proofs. Amongst them I reckon this inconvenience I have spoken of: I will therefore use but a word or two more in this way. The long experience that all Christendom hath had hereof for these 1300 yeers, is certainly, *argumentum ad hominem*. Nay my Lords I will go further (for the same reason runs thorow all Religions) never was there any Nation that employed not their religious men in the greatest affairs. But to come to the businesse that lies now before your Lordships, Bishops have voted here ever since Parliaments began, and long before were imployed in the publike. The good they have done, your Lordships all well know, and at this day enjoy: for this I hope ye will not put them out, nor for the evill they may do, w^ch yet your Lordships do not know, and I am confident never shall suffer. A position ought not to be destroyed by a supposition, & *à posse ad*

esse non valet consequentia. My Lords, I have done with proving of this positively, I shall now by your good favours do it negatively in answering some inconveniences that may seem to arise.

Object.1. For the Text, No man that warres, intangles himself with the affairs of this life, which is the full sense of the word both in Greek and Latine, it makes not at all against them, except to intermeddle and intangle be tearms equivalent. Besides my Lords, though this was directed to a Church-man, yet it is of a generall nature, and reaches to all, Clergy and Laity, as the most learned and best expositors unanimously do agree. To end this, *Argumentum symbolicum non est argumentativum.*

Object.2. It may be said that it is inconsistent with a spirituall vocation; truely, my Lords, *Grace* and *Nature* are in some respects incompossible, but in some others most harmoniously agree, it perfects nature, and raises it to a heighth above the common altitude, and makes it most fit for those great works of God himself, to make Laws, to do Iustice. There is then no inconsistency between themselves, it must arise out of Scripture, I am confident it doth not formally out of any place there, nor did I ever meet with any learned Writer of these or other times, that so expounded any Text.

Object.3. But though in strict tearms this be not inconsistent, yet it may peradventure hinder the duty of their other calling. My Lords, there is not any that sits here, more for preaching than I am. I know it is the ordinary means to salvation, yet, I likewise know, there is not that full necessity of it as was in the primitive times. God defend that 1600 yeers acquaintance should make the Gospel of Christ no better known unto us. Neither, my Lords, doth their office meerly and wholly consist in preaching, but partly in that, partly in praying, and administring the blessed Sacraments, in a godly and exemplary life, in wholsome

ſome admonitions, in exhortations to vertue, dehortations from vice, and partly in eaſing the burdened conſcience. Theſe, my *Lords*, compleat the office of a Churchman. Nor are they altogether tied to time or place, though I confeſſe they are moſt properly exerciſed within their own verge, except upon good occaſion, nor then the omiſſion of ſome can be tearmed the breach of them all. I muſt adde one more, an eſſentiall one, the very form of Epiſcopacy, that diſtinguiſheth it from the inferiour Miniſtry, the orderly and good government of the Church, and how many of theſe, I am ſure, not the laſt, my *Lords*, is interrupted by their ſitting here, once in 3 yeers, and then peradventure but a very ſhort time: and can there be a greater occaſion than the common good of the Church and State? I will tell your *Lordſhips* what the great and good Emperour *Conſtantine* did, in his expedition againſt the Perſians, he had his Biſhops with him whom he conſulted with about his military affairs, as *Euſebius* has it in his life, *lib.* 4. *c.* 56.

Reward and puniſhment are the great negotiators in all worldly buſineſſes; theſe may be ſaid to make the Biſhops ſwim againſt the ſtream of their conſciences, and may not the ſame be ſaid of the *Laity*? Have theſe no operations, but onely upon them? Has the King neither frown, honour, nor offices, but onely for Biſhops? Is there is nothing that anſwers their tranſlations? Indeed, my *Lords*, I muſt needs ſay that in charity, it is a ſuppoſition not to be ſuppoſed; no, nor in reaſon, that they will go againſt the light of their underſtanding. The holineſſe of their calling, their knowledge, their freedoms from paſſions and affections to which youth is very obnoxious, their vicinity to the gates of death, which, though not ſhut to any, yet alwayes ſtand wide open to old age: theſe, my *Lords*, will ſurely make them ſteer aright. *Object.* 4.

But

But, of matter of fact there is no disputation, some of them have done ill, *Crimine ab uno disce omnes*, is a poeticall, not a logicall argument. Some of the Judges have done so, some of the Magistrates and Officers; and shall there be therefore neither Iudge, Magistrate nor Officer more? A personall crime goes not beyond the person that commits it, nor can anothers fault be mine offence. If they have contracted any filth or corruption through their own, or the vice of the times, cleanse and purge them thorowly. But still remember the great difference between reformation and extirpation. And be pleased to think of your Triennall Bill which will save you this labour for the time to come; fear of punishment will keep them in order, if they should not themselves through the love of vertue. I have now, my Lords, according to my poor ability, both shewed the conveniences, and answered those inconveniences that seem to make against them. I should now propose those that make for them. As their falling into a condition worse than slaves, not represented by any; and then the dangers and inconveniences that may happen to your Lordships; but I haue done this heretofore, and will not offer your Lordships *Crambenbis coctam.*

A Speech in Parliament delivered by Mr. PEARD, againſt the Oath *Ex Officio.* 1640.

Mr. SPEAKER,

I Aſſure my ſelfe, we are here met to diſcover, and reforme (as much as in us lyeth) all abuſes of the Church and Common-wealth; many and great ones have been ſpoken againſt, ſome contrary to all Law, and ſome eſtabliſhed by new Lawes, contrary to all Law: The Wolfe having put on the Lions skinne, and rapine, preſuming to paſſe undiſcovered under the robe of Juſtice. But I ſhall not neede to light a candle to ſearch out that, which already the ſunne hath made manifeſt; That which I ſhall ſpeak, hath not been ſpoken, but if I ſhall ſpeak that, that ſhall ſeeme to be againſt Law, I humbly crave the pardon of this Houſe, ſince if it be law, it is *ſummum jus*, Law without conſcience: That which I ſhall ſpeake againſt, is the Oath *Ex Officio*. It is acknowledged by themſelves, that Adminiſter this Oath, that it is unjuſtly done to tender it to any man, unleſſe there be a publique Fame, or particular Preſentment or Articles teſtified againſt him: I make no queſtion, but the practice of this confeſt Injunction will be found cõmon amongſt them, And I hope it ſhalbe ſeverely cenſured, ſince unjuſt proceedings upon unjuſt grounds, are double Injuſtice; I ſhall therefore leave that as a plaine caſe, and examine their beſt grounds; Firſt, Fame (they ſay) is a juſt cauſe for them to take Cognizance of a matter to proceed againſt it; Fame we

know may ariſe upon very ſmall and groundleſſe ſuſpitions, by ſecret whiſperings, creeping at firſt, but quickly gets it wings; And as the Poët ſaith, *Creſcit eundo.*

This is the manner of all Fame; if this be Fame, their Court ſhall never want worke, as long as a Promooter hath an ill tongue, or a knave can ſlander an honeſt man; Therefore I thinke Fame no good ground to proceed upon.

If Fame be juſt, what moſt men ſpeake, certainly ſome men will teſtifie; No man will teſtifie it is falſe.

Let no accuſation then ſtand, but out of the mouthes of two or three witneſſes, of Preſentments, are a juſt ground of proceedings in all Courts, and upon all cauſes: But neither witneſſes nor preſentments are or can be a juſt ground of the Oath *Ex officio*; For if the partie accuſed be examined no further then is teſtified, then the Oath *Ex Officio* is ſuperfluous.

If he be examined further, or upon other matters then is teſtified, then a man is made to betray himſelfe, which is unjuſt.

Mr. Speaker, ſuch is the Mercy of the Common Law, that Murderers and Poyſoners are not examined upon the rack, but the Civill law upon every occaſion racketh the Conſcience.

Theſe are the Lyme-twigs which were ſet to catch the poore Martyrs in Queene *Maries* daies; And in our daies, I dare beleeve it will appeare that ſome good men are fallen into this ſnare.

Mr. Speaker, If the foundations faile, what ſhall the buildings doe? If the conformity of good men ſhall undoe them, who ſhall ſtand? I deſire nothing but that evill men may ſuffer, I deſire the Law may puniſh, not make offenders, I deſire that our words and actions at this time, and at other times, may be ſubject to the Law, I would have thought free.

Mr.

Mr. Speakers Letter to Sir *Jacob Ashley.*

SIR,

WEE have had cause to doubt, that some ill affected persons have endeavoured to make a mis-understanding in the Army, of the intentions of the Parliament towards them; To take away all mistaking in that kinde, the house of Commons have Commanded me to assure you that they have taken the affaires of the Army into their serious Care; And though for the present their moneys have not come as they wished, and as was due, by reason of the many distractions and other Impediments which this House could no wayes avoid, yet they rest most assured that they shall not onely have their full pay, but the House will take their merits into their further consideration, in regard they take notice that notwithstanding their want, and endeavours of those ill-affected persons, they have not demeaned themselves otherwise, then as men of honor, and well affected to the Common-wealth, which this House takes in so good part, that we have already found out a way to get money for a good part of their pay, and will take the most speedy course, we possibly may for the rest.

So I remain; From my house at Charing-Crosse, the 4th *of this present Moneth of May.* 1641.

Your very Loving Friend.

SIR, 'Tis the pleasure of the House, that this Letter be Communicated to the Army, to the end their Intentions may be cleerly understood by them.

Sir BENJAMIN RUDYERDS Speech.

Tuesday the 29. Decem.

Mr. SPEAKER,

THE principall part of this businesse, is Moneys, and now we are about it, I shall be glad we may give so much, as will not only serve the turn for the present, but likewise to provide that it come not quick upon us againe, I beleeve that the two subsidies are spent already. Wee know how much time this businesse hath cost us, if we be but halfe as long about another, it may cost more then money: For if two Armies should be driven to extreame necessitie, and they will be Judges of their owne necessitie, we shall not be able to sit here, and give more, though we would.

Believe it Sir; this is the businesse of all the businesses in the House, of all the businesses in the Kingdom; If we stand hacking for a little money, wee may very thriftily lose all we have, this being a businesse of so peremptory and destructive a nature.

Wherefore Mr. Speaker, my humble and earnest motion is, that we may dispatch it fully, and at once; If there should be an overplus of money remaining, wee can soone resolve how to dispose of it.

Foure subsidies will doe the worke, if they be given presently, for every day tells us that we are not so much Masters of our owne time, and occasions as to doe nothing when we would; Let us doe this whilest we may, though I dwell not in the North, yet I dwell in *England*.

Sir

Sir BENJAMIN RUDYERDS Speech concerning the QUEENS Joynture. *Jan.* 1640.

Mr. SPEAKER,

GOD hath bleſſed the Queens Majeſtie with a bleſſed Progeny already, whereby ſhe hath relieved and fortified this Kingdome, which may put us in minde in a fit time to provide according to their birth, and intereſt.

Shee is the daughter of a great and famous King, ſhe is the wife of our King, which to us includes all expreſſions. But in one thing, Mr. Speaker, her Majeſtie is ſingular in that ſhe is the Mother to the greateſt Prince that hath beene borne amongſt us above theſe hundred yeers, which cannot but work a tenderneſſe in us.

The Queene likewiſe may be another Inſtrument of happineſſe to us in her good affection to Parliaments, by a good hanſell in this. And I beleeve we ſhall ſee effects of it, for it neerly and wiſely concernes her Majeſtie, even in all the Relations that are moſt deare to her to contribute her beſt Aſſiſtance to Uphold the Government and greatneſſe of the kingdome. By which meanes alſo the king will be better enabled to make a further enlargement of his bounty towards her, in ſome degree proportionable.

Wherefore, Mr. Speaker, it will become this Houſe to ſhew our cheerfulneſſe in paſſing of the Bill.

Articles againſt Doctor *Piercie*, Biſhop of *Bath* and *Wells*; exhibited by Mr. *James* Miniſter within his Dioceſſe.

1 HEE hath *Ex officio* convented mee before him, for having two Sermons preached in my Church on Michaelmas day, to the great diſturbance & hinderance of the ſale of the Church Ale, as his Lordſhip pretended, and further examined me upon Oath, whether I had not the ſaid Sermons preached for the ſame purpoſe and intent, admoniſhing me for the future, neither to preach my ſelfe, nor ſuffer any other to preach in my Cure, in the afternoon, of either the Lords-day, or holy dayes.

2 I heard him ſay to his Regiſter, That whereas Information had been given concerning certain Miniſters, that they expounded upon the Catechiſme, this Information was too narrow to catch them, and therefore it ſhould have runne thus, that they Catechiſed or expounded upon the Catechiſme Sermon-wiſe, and then they would have been obnoxious to cenſure.

3 At the meeting to elect Clerks of the Convocation he threatned to ſend forth Cenſures of the Church, againſt all that would not pay in the Benevolence, late granted, in the late Synod, within a fortnight after the ſecond day of November laſt paſt; And further at the ſaid election, his ſonne gave eight ſingle voyces; two, as Arch-Deacon of *Bath*; two, as Prebend of the Church of *Wells*; two, as Parſon of *Buckland* Saint *Mary*;

Mary; two, as Vicar of *Kingsbury*: and many others also there present, gave as many double voyces, as they had Benefices and Dignities; against which one Mr. *Rosnell* protested, saying, that it was illegall; The Bishop replyed, that they gave in severall capacities, and thereupon commanded him silence, saying, that he was a young man.

4. That upon the meer Information of Mr. *Humphry Sydenham* Rector of *Buckington*, that in a certain Sermon Preached at the Visitation of the Arch Deacon of *Taunton*, I bespattered the Clergie; The Bishop summoned me before him down to *Wells*, and there objected unto mee, that I had preached a scandalous Sermon, wherein I had cast some aspersions on some of the Clergy. Upon which charge I proferd to bring in an exact Copy of the Sermon I preacht, and to depose, that I spake neither more nor lesse, then was contained in the said Copy; This the Bishop would not accept of, saying that he would not have the Ministers, who came to witnesse against mee, troubled with a second journey: One of my Proctors desired time, till the next Court day for me to give in my answer; the Bishop commanded him to hold his Peace, and the other Proctor though he was retained by me, & had received a Fee, never opened his mouth, pretending unto me, that becaus the Bishop was so highly displeased with mee, he durst not appeare in my behalf, being denyed time to give in my answer at the next Court day; I desired respit until the afternoon, this also was denyed; In fine contrary to the rules of their own Court, he examined witnesses against me, and proceeded to Censure me, before he received my full answer, he would not heare the answer, which I could give to the Articles objected to me, which I proferd to give, and which he had by oath required me to give; further by vertue of the oath he administred unto me, he questioned me not only concerning

cerning matters of outward fact, but also concerning my most secret thoughts, intentions and aymes. Moreover whereas the witnesses confessed that I only said, in the foresaid Sermon, that some put the Scriptures into a staged dresse; the Bishop perswaded them, that, that expression was equivalent with the Article objected, that some mens Sermons were Stage Playes, and they by his perswasion, swore down right, that I said some mens Sermons were Stage Playes; The Doctor made an Act and Order, that I should make publique retractation, which I refused to doe, and appeald unto the Arches; But upon either the Bishops, or M. *Sidenhams* Information my Procter *Hunt* renounced my appeale, and Sir *John Lambe* dismissed the same cause, without hearing, unto the Bishop againe.

5 The Churchwardens of my Parish, by order from the Bishop, were enjoyned to turn the Communion Table, and place it Altar-wise, &c. Now they, that they might neither displease the Bishop, nor transgresse against the Rubrick of the Liturgie, made it an exact square Table, that so notwithstanding the Bishops order, the Minister might still Officiate at the North side of the Table; M. *Humphry Sydenham* informed against this, and upon Information, the Bishop sent to view it; and upon his view he certified the Bishop, that it was like an Oyster Table, whereupon the Bishop ordered the Churchwardens to make a new one.

6 Upon M. *Humphry Sydenhams* Information that M. *John Pym* was a Parliamenteer, the Bishop would not suffer me any longer to sojourn in his house, although before such Information he gave me leave: And when I demanded of some of his servants, the reason why his Lordship had thus changed his minde, they told me that his Lordship was informed by M. *Sydenham* that M. *Pym* was a Puritane.

The

The Lord *Andevers* speech in March 1640. concerning the Star-Chamber.

MY Lords, since your Lordships have already looked so farre into priviledges of Peers, as to make a strict inquisition upon forraign honours: Let us not destroy that among our selves, which we desire to preserve from strangers.

And if this greivance I shall move against, have slept till now; It is very considerable lest custome make it every day more apparent than other: your Lordships very well know, there was a Statute framed, 3 *Hen.* 7. Authorizing the Chancellor, Treasurer and Privy Seale, and the two Chiefe Justices calling to them one Bishop, and a temporall Lord of the Kings Councell, to receive complaints upon Bill or information, and Cite such parties to appeare as stand accused of any misdemeanour, and this was the Infancy of the Starchamber, but afterwards the Starchamber was by Cardinall *Woolsey* 8 *H.* 8. raised to mans Estate, from whence (being now altogether unlimited) it is grown a Monster, and will hourely produce worse effects, unlesse it be reduced by that hand which laid the foundation; for the Statutes that are ratified by Parliament admit of no other than a repeale.

Therefore I offer humbly unto your Lordships these ensuing Reasons, why it should be repealed.

First the very words of the Statute cleerly shew that it was a needlesse institution, for it sayes they who are to Judge, can proceed with no delinquent otherwise,

then if he were convicted of the same crime by due proces of Law.

And doe your Lordships holdth is a rationall Court that sends us to the Law, and calls us to the Law, and calls us back from it againe.

Secondly, divers judicatories confound one another, *& in pessima republica plurimæ Leges.*

The second reason is from circumstance, or rather *à Consuetudine*, and of this there are many examples both domestique and forain; but more particularly by the Parliaments of France abbreviated into a standing Committee by *Philip* the King, and continued according to his Institution untill *Lewis* the eleventh came to the Crown, who being a subtill Prince buried the volume in the Epitome, for to this day, when ever the three Estates are called, either at the death of the old King, or to Crown the new, It is a common Proverb *Allons voire Le van des Estates*; My Lords Arbitrary judgements destroy the Common Laws, and in them the two great Charters of the Kingdome, which being once lost, we have nothing left but the name of liberty.

Then the last reason is (though it was the first cause of my standing up) the great Eclipse it hath ever been to the whole Nobility; For who are so frequently vexed there as Peers and Noblemen, and notwithstanding their appeale to this Assembly, is ever good whilst that famous Law of the 4 *Ed.* 3. remaines in force for the holding of a Parliament once a year or more if occasion require, yet who durst a year ago mention such a Statute, without the incurring the danger of M. *Kilverts* persecution? Therefore I shall humbly move your Lordships that a select Commitee of a few may be named to consider of the act of Parliament it selfe, and if they shall thinke it of as great prejudice as I doe, that then the house of Commons in the most usuall manner

may

may be made acquainted with it either by Bill or conference, who I also happily thinke it a burthen to the Subject, and so when the whole body of Parliament shall joyne in one supplication, I am confident his Majestie will desire that nothing shall remaine in force which his people doe not willingly obey.

Lunæ, the 10. *of May,* 1641.

IT is this day ordered by the House of Commons now assembled in Parliament, that the Lord Maior of London, the Justices of Peace of *Midlesex*, *Westminster*, and the Liberties of the Dutchie of *Lancaster*, and those of *Surrey*, that are for the Burrough of *Southwarke*, and the place adjoyning, doe imploy their best endeavors to prevent that none of the Kings Subjects doe frequent the houses of any the Embassadors, *Somerset-house*, or S^t. *James*, to heare Masse, And that they give an accompt to this House, of the Execution of this Order, at all such times, as by the said House they shall be required.

My Lord *Finch* his Letter to my Lord CHAMBERLAINE.

My most welbeloved Lord,

THe Intereſt your Lordſhip hath ever had in the beſt of my fortunes, and affections, gives me the Priviledges of troubling your Lordſhip with theſe few lines, from one that hath now nothing left to ſerve you withall but his Prayers; Thoſe your Lordſhip ſhall never faile, with an heart as full of true affection to your Lordſhip, as ever any was. My Lord, it was not the loſſe of my place, and with that of my fortunes, nor being exiled from my deare Countrey and friends (though many of them were cauſe of ſorrow) that afflicts, but that which I moſt ſuffer under, is that diſpleaſure of the Houſe of Commons conceived againſt me; I know a true heart I have ever borne towards them, and your Lordſhip can witneſſe in part, what wayes I have gone in, but Silence and patience beſt becomes me, with which I muſt leave my ſelfe, and my Actions to the favourable conſtruction of my Noble Friends, in which number your Lordſhip hath a prime place; I am now at the *Hague*, where I arrived on Thurſday the laſt of the laſt moneth, where I purpoſe to live in a faſhion agreeable to the pooreneſſe of my fortunes, for my humbling in this world, I have utterly caſt off the thoughts of it, and my aime ſhall be to learne to number my daies, that I may apply my heart unto wiſdome, that wiſdome that ſhall wipe all teares from mine eyes, and heart, and lead me by the hand to true happineſſe, which

which can never be taken from me. I pray God of heaven bleſſe this Parliament with a happy, both progreſſe and concluſion: if my ruine may conduce but the leaſt to it, I ſhall not repine at it; I truly pray for your Lordſhip, and your Noble Family, that God would give an increaſe of all worldly bleſſings, and in the fulneſſe of dayes, to receive you to his glory; if I were capable of ſerving any body, I would tell your Lordſhip, that no man ſhould be readier to make knowne his devotion, and true gratitude to your Lordſhip, then

Your Lordſhips moſt humble, and affectionate poore kinſman and ſervant, J. F.

Hague, Jan. 3.
1640.

The Lord KEEPERS Speech TO HIS MAJESTIE,

at the Banquetting-houſe at *Whitehall*, in the name of both Houſes.

May it pleaſe Your Majeſtie,

I Am to give your Majeſtie moſt humble and heartie thanks in the name of both houſes of Parliament, and this whole Kingdome, for the ſpeedy and gracious Royall aſſent unto the Bill, Entitled, An act for preventing of inconveniences happening by the long intermiſſion

of Parliaments, which as it is of singular comfort and securitie for all your Subjects for the present, so they are confident it will be of infinite honor and setlement of Your Majesties Royall Crowne and dignitie, as well as comfort to their posteritie.

The Declaration of the *Scots* Commissioners to the House of Parliament, touching the maintenance of their Army.

March, the 16th, 1640.

IN the midst of other matters, necessitie constraineth us to shew your Lordships that fourescore thousand pounds and above of the Moneys appointed for reliefe of the Northerne Countreys, there is no more paid but 18000l. the Country people of those Countreys have trusted the souldiers so long as they are become weary and unable to furnish them, their cattell and victuall being so farre exhausted and wasted, as it is scarce able to entertain themselves; The Markets are decayed because there is no mony to buy their Commodities, and are become so deare, that no sort of victuall is sold, but at a double rate; And which is hardest of all, the Army is stinted by the Articles of Cessation to stay within these two Countyes, whose provisions are all spent, expecting from time to time the payment of those moneys, which were

were promiſed for their reliefe, and are reduced to ſuch extremity, as they muſt either ſtarve, or (ſore againſt their will) breake their limited bounds, unleſſe ſome ſpeedy courſe bee taken for their more timous payment, that ſo ſoone as may be, the Arreers may be paid; And becauſe the continued payment of that monethly ſumme, for reliefe of the Northerne Countreyes, is a Burthen to the Kingdome of *England*, our Army is a trouble to the Country where they reſide, our charges of entertaining our Army (beſides what is allowed from *England*) is exceeding great; And our loſſes and prejudice through abſence and neglect of our affaires not ſmall, Therefore that all evills, and troubles of both Kingdomes may be removed, it is our earneſt deſire that the Parliament may be pleaſed to determine the time and manner of Payment of the 300000l. which they were pleaſed to grant towards reliefe of their Brethren, that there may be no let about this, when matters ſhall be drawing towards an end, And that his Majeſty and they may give order for Accelerating matters in the treaty, that the peace being concluded, *England* may be eaſed of the burthen of two Armies, and we may returne to our owne homes, which is our earneſt deſire.

Ad. Blaire.

The

The Remonstrance of both the Houses of Parliament unto the King, delivered by the Lord Keeper, January the 29th 1640.

May it please your Majesty,

YOUR loyall Subjects, the Lords and Commons, now assembled by your Majesties Writ in the high Court of Parliament, humbly represent unto your gracious consideration that Jesuits and Priests ordained by authority from the Sea of *Rome*, remaining in this Realme, by a Statute made in the 27 year of Queen *Elizabeth* are declared Traytors, and to suffer as Traytors.

27 *Eliz. cap.* 2. That this law is not so rigorous, as some apprehend, or would have others to beleeve, for that it is restrayned to the naturall born Subjects only, and doth not extend to any strangers at all.

1 *Jac. cap.* 4. That it is enacted in the first year of King *James*, that all Statutes made in the time of Queen *Elizabeth*, against Priests and Jesuits, be put in due and exact execution.

And for further assurance of the due execution of these laws, the Statute of the third year of King *James* invites men to the discovery of the offenders, by rewarding them with a considerable part of the forfeiture of the Recusants estate.

So

So that the Statute of Queen *Elizabeth* is not only approved, but by the judgement of severall Parliaments in the time of King *James* of happy memory adjudged fit and necessary to be put in execution.

That considering the state and condition of this present time, they conceive this law to be more necessary to be put in strict execution then at any time before; & that for divers weighty and considerable reasons, *viz.* For that by divers Petitions from the severall parts of this Kingdome, complaints are made of the great increase of Popery and Superstition, and the people call earnestly to have the laws against Recusants put in execution, Priests and Jesuits swarme in great abundance in this Kingdome, and appeare here with such boldnesse, and confidence, as if there were no laws against them.

That it appeares unto the House of Commons by proofe, that of late years about the City of *London* Priests and Jesuits have been discharged out of Prison, many of them being condemned of high Treason.

They are credibly informed that at this present the Pope hath a *Nuncio*, or Agent resident in the City, and they have a just cause to believe the same to be true.

The Papists, as publiquely, and with as much confidence and importunity resort to Masse at *Denmark* house, and St. *James*, and the Embassadors Chappels, as others doe to their Parish Churches: They conceive the not putting of these Statutes in execution against Priests and Jesuits, is a principall cause of increase of Popery.

That the putting of these laws in execution, tendeth not only to the preservation and advancement of the true Religion established in this Kingdome, but also the safety of your Majesties person, and security of the State & Government, which were the principall causes of the making of the Laws against Priests and Jesuits, as is manifestly declared in the preamble of the laws themselves,

ſelves, which are the beſt interpreters of the mindes of the makers of them.

And becauſe the words being penned by the adviſe and wiſdome of the whole ſtate, are much more full and clear then any particular mans expreſſion can be, they were therefore read, as they are vouched, thoſe of the 27 year of Queen *Elizabeth*, being thus, *viz.*

That the Prieſts and Jeſuits come hither, not only to draw the Subjects from their true obedience to the Queen, but alſo to ſtir up Sedition, Rebellion, and open hoſtility within the Realme; to the great endangering of the ſafety of her Royall Perſon, and to the utter ruin, deſolation, and overthrow of the whole Kingdom, if not timely prevented; and the tenor of the words of the third year of King *James* are in this manner, *viz.*

Whereas divers Jeſuits and Prieſts doe withdraw many of his Majeſties Subjects from the true ſervice of Almighty God, and the Religion eſtabliſhed within this Realme, to the Romiſh Religion, and from their loyall obedience to his Majeſtie; and have of late ſecretly perſwaded divers Recuſants, and Papiſts, and encouraged and imboldned them to commit moſt damnable Treaſons tending to the overthrow of the whole State and Common Wealth; if God of his goodneſſe and mercy had not within few houres of the intended time of the execution thereof, revealed and diſcloſed the ſame.

The Houſes did further informe, that ſome Jeſuits and Prieſts had been executed in the time of Queen *Elizabeth*, and King *James* of happy memory; and when any of them have received mercy, it was in ſuch time, and upon ſuch circumſtance, as that the ſame might be extended unto them without dangers, whereas now of late, there hath been a great apprehenſion of endevours by ſome ill agents, to ſubvert Religi-

on;

on; and at this present both Kingdomes have a generall expectation of a through reformation.

And there is already found to ill a consequence of the the late reprieve of *John Goodman* the Priest; that the House of Commons having sent to the Citizens of *London* for their assistance in the advancement of money, for the present and necessary supply of his Majesties army, and reliefe of the Northern Counties: upon this occasion, they have absolutely denyed to furnish the same: and how far the like discontent may be effused into other parts of the Kingdom, to the interruption of the levying of the Subsidies, the houses leave to your Majesties consideration. It is found that *Goodman* the Priest hath been twice formerly committed and discharged. That his residence now about *London*, was in absolute contempt of your Majesties Proclamation, as the Houses are credibly informed, that he hath been sometimes a Minister in the Church of England, and consequently is an Apostate; both Houses are very sensible that any man should presume to intercede with your Majesty in a case of so high a nature.

They humbly desire that a speedy course may be taken for the due execution of the laws against the Priests and Jesuits, that all mischiefes before mentioned may be timely remedied by your Majesties great wisdome.

And lastly, that *Goodman* the Priest be left to the justice of the law.

The Earle of *Straffords* Letter, to his most Excellent Majesty, dated from the *Tower* the 4th of *May*, 1641.

May it please your Sacred Majesty,

IT hath been my greatest griefe in all these troubles, to be taken as a person which should endeavour to represent and see things amisse between your Majesty and your People; and to give counsels tending to the disquiet of the three Kingdomes.

Most true it is, that this mine own private Condition considered, it had been a great madnesse, since through your gracious favour I was so provided, as not to expect in any kind to mend my fortune or please my mind more, then by resting where your bounteous hands had placed me.

Nay, it is most highly mistaken, for unto your Majesty it is well known, my poore, and humble advise concluded still in this, That your Majesty and your people could never be happy, till there were a right understanding betwixt you and them: no other means to effect, and settle this happinesse, but by the Counsell, and assent of the Parliament; or to prevent the growing Evils upon this state, but by intirely putting your self in the last resort, upon the loyalty, and good affections of your English subjects.

Yet such is my misfortune, this truth findeth little credit,

credit, the contrary seemeth generally to be believed, and my selfe reputed, as some thing of Separation between you, and your people; under a heavier censure then which, I am perswaded no Gentleman can suffer.

Now, I understand the minds of men are more incensed against me, notwithstanding your Majesty hath declared, that in your princely opinion, I am not guilty of Treason, nor are you satisfied in your conscience to passe the Bill.

This bringeth me into a very great straight, there is before me the ruine of my Children, and family hitherto untouched in all the branches of it with any foule Crimes. Here is before me the many ills, which may befall your Sacred person, and the whole Kingdome, should your selfe, and Parliament part lesse satisfied one with the other, then is necessary for the preservation both of King and People. Here are before me the things most valued, most feared, by mortall man, *Life*, or *Death*.

To say Sir, that there hath not been a strife in me, were to make me lesse man, then God knoweth my infirmities give me. And to call a destruction upon my selfe, and young Children, where the intentions of my heart at least have been innocent of this great offence may be believed, will find no easie consent from Flesh and blood.

But with much sadnesse, I am come to a resolution of that which I take to be best becomming me, to look upon that which is most principall in it selfe; which doubtlesse is the prosperity of Your sacred Person, and the Common-Wealth, infinitely before any private mans interest.

And therefore in few words, as I put my selfe wholly upon the honour, and justice of my Peers so clearly, as to beseech your Majesty might please to have spared that declaration of yours on Saturday last, and intirely

to have left me to their Lordships, so now, to set your Majesties conscience at liberty, I doe most humbly beseech your Majesty, in prevention of mistakes which may happen, by your refusall, to passe this Bill; And by this means remove (praised be God) I cannot say, this accursed, (but I confesse) this unfortunate thing forth of the way, towards that blessed agreement, which God, I trust, shall ever Establish between you, and your subjects.

Sir my consent shall more acquit you herein to God, then all the world can do besides. To a willing man there is no injury done. And as by Gods grace I forgive all the world with a calmnes and meeknes of infinite Contentment to my dislodging soule; So, Sir, to you can I give the life of this world, with all the cheerfulnesse imaginable; in the just acknowledgement of your exceeding favours. And only beg that in your goodnesse, you would vouchsafe to cast your gratious regard upon my poor Sonne, and his three Sisters, lesse, or more, and no otherwise, then as their (in present) unfortunate Father, may hereafter appeare more, or lesse guilty of this death.

God long preserve your Majesty.

Your Majesties most faithfull, and humble Subject, and Servant.

Tower
4 May 1641. STRAFFORD.

The

The Petition of the EARLE of STRAFFORD unto the *Lords* before he Dyed.

To the Right Honourable the Lords *Spirituall and Temporall, in this present* Parliament *assembled.*

THE humble Petition of *Thomas* late Earle of *Strafford*; Sheweth that seeing it is the good will and pleasure of God that your Petitioner is now shortly to pay that duty which we allow to our fraile nature; He shall in all Christian Patience and Charity conform, and submit himselfe to your Justice, in a comfortable assurance of the great Hope, laid up for us in the Mercy and Merits of our Saviour blessed for ever.

Only he humbly craves, to return your Lordships most humble thanks for your Noble Compassion towards those innocent Children; whom now with his last blessing he must commit to the protection of Almighty GOD, beseeching Your Lord-ships to finish your Pious intentions towards them: And desiring that the reward thereof may be fulfill'd in You, by him that is able to *give above all we are able either to aske or think.* Wherein I trust the Honourable House of Commons will afford their Christian assistance.

And so beseeching your Lord-ships charitably to forgive all his omissions and infirmities, he doth very heartily and truly recommend Your Lordships to the Mercies of Our Heavenly Father, and that for his goodnesse he may perfect you in every good work. *Amen.*

Tho. Wentworth.

Lord FAULKLANDS first speech in *Parliament*.

I Rejoyce very much to see this day; and the want hath not lain in my affections, but my lungs. If to all that hath bin past, I have not been as loud with my voice as any mans in the house, yet truly my opinion is; we have yet done nothing, if we doe no more: I shall add what I humbly conceive ought to be added, as soone as I have said something, with references to him that saies it: I will first desire the forgiveneſſe of the House, if ought I say seem to entrench upon anothers profession, and enter upon the work of another robe.

Since I have bin intrusted by the report of a learned Committee, and confirmed by the uncontradicted rule of the House, since I shall say nothing of this kind, but in order to somewhat further.

And which moves me most to venture my opinion, and to expect your pardon, since I am confident, that History alone is sufficient to shew this judgement contrary to our Laws, and Logick alone sufficient to prove it destructive to our propriety, which every free, and noble person values more then his possession. I will not professe I know of my selfe, and all those who know me, know that my naturall disposition is to decline from severity, much more from cruelty.

That I have no particular provocations from their persons, and have particular Obligations to their calling against whom I am to speak.

And though not so much, yet far more then I have, so I hope it will be believed, that only publick interest have

have extorted this from me, and that which I would not say, if I conceived it not so true, and so necessary that no undigested meat can lie havier upon the stomach, then this unsaid would have lain upon my Conscience.

Mr. *Speaker*, the constitution of this Commonwealth hath Established, or rather endeavored to Establish to us the security of our goods, and the security of those Laws which would secure us and our goods, by appointing for us Judges so settled, so sworn, that there can be no oppression, but they of necessity must be accessary; since if they neither deny, nor delay us Justice, which neither for the great nor little seale, they ought to doe; the greatest Person in this Kingdome cannot continue the least violence upon the meanest; But this security, Mr. *Speaker*, hath been almost our ruine, for it hath been turned, or rather turned it self into a Battery against us: And those persons who should have been as Dogs to defend the Sheep, have been as Wolves, to worry them.

These Judges, M. *Speaker*, to instance not them onely, but their greatest crime, have delivered an opinion, and judgement in an extrajudiciall manner, that is, such as came not within their cognizance, they being Judges, and neither Philosophers, nor Politicians; In which when that is so absolute and evident, the law of the land ceases, and of generall reason and equity, by which particular laws at first were framed, returnes to his throne and government, where *salus populi* becomes not only *suprema*, but *sola lex*; at which, and to which end, whatsoever should dispence with the King, to make use of any mony, dispences with us, to make use of his, and one anothers. In this judgement they contradicted both many and learned Acts and Declarations of Parliaments; and those in this very case, in this very reign, so that for them they needed to have consulted

with no other record, but with their memories.

2 They have contradicted apparent evidences by, supposing mighty and eminent dangers, in the most Cerene, quiet, and halcian dayes that could possibly be imagined, a few conceptible pirats, being our most formidall enemies, and there being neither Prince nor State, with whom we had either Alyance, or Amity, or both.

3 They contradict the writ it selfe, by supposing that supposed danger to be so suddaine, that it would not stay for a Parliament, which required but forty daies stay, and the writ being in no such haste, but being content to stay seventimes over.

Mr. *Speaker*, it seemed generally strange, that they saw not the Law which all men else saw, but themselves. Yet though this begot the more generall wonder, three other particulars begot the more generall indignation.

The first of all the reasons for this judgement, was such that they needed not any from the adverse party to help them to convert those few, who before the last suspition of the legallity of that most illegall writ, there being fewer that approved of the judgement, then there were that judged it, for I am confident they did not that themselves.

Secondly, when they had allowed to the King, the sole power in necessity, the sole judgement of necessity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to perswade us that they had left us our liberties and proprieties.

The third and last is, and which I confesse moved most, That by the transformation of us from the state of free subjects (a good phrase Mr. *Speaker*, under Doctor *Heylens* favor) unto that of Villeins, they disable us by Legall and voluntary supplies to expresse our affections

fections to his Majesty, and by that to cherish his to us, that is by Parliaments.

M. *Speaker*, the cause of all the miseries we have suffered, and the cause of all our jealousies we have had, that we should yet suffer; is, That a most excellent Prince hath been most infinitely abused by his Judges, telling him that by policy he might doe what he pleased; with the first of these we are now to deale, which may be a leading to the rest. And since in proving of these Laws, upon which these men have trampled, our Ancestours have shewed their utmost care and wisdome, for our unaffected security, words having done nothing, and yet have done all their words can doe, we must now be forced to think of abolishing of our grievances, & of taking away this judgement, and these Judges together, and of regulating their successors by their exemplary punishment.

I will not speak much; I will only say we have accused a great Person of high Treason, for intending to subvert our fundamentall Laws, and to introduce arbitrary Government, which we suppose he meant to doe, we are sure these have done it, there being no Law more fundamentall, than that they have already subverted, and no government more absolute, than they have really introduced: Mr. *Speaker*, not only the severe punishment, but the suddaine removall of these men, will have a suddain effect in one very considerable consideration.

We only accuse, and the House of Lords condemn; In which condemnation they usually receive advise (though not direction) from the Judges, And I leave it to every man to imagine how prejudiciall to us, that is, to the Common wealth, and how partiall to their fellow malefactors, the advice of such judges is like to be. How undoubtedly for their own sakes, they will conduce to their power, that every action be judged to be a lesse fault, and every person to be lesse faulty, then in

Justice they ought to doe; Amongst these, Mr. Speaker, there is one that I must not lose in the crowd, whom I doubt not but we shall finde when we examine the rest of them, with what hopes they have been tempted: by what fears they have been affaid, and by what, and by whose importunity they have been pursued, before they consented to what they did; I doubt not I say, but wee shall then finde him to have been a most admirable solicitor, but a most abominable Judge; hee it is who not only gave away with his breath, what our Ancestors had purchased for us by so large an expence of their time, their care, their treasure, and their blood, and imployed their industry, as great as his injustice, to perswade others to joyne with him in that deed of gift, but strove to root up those liberties which they had cut downe; and to make our grievances immortall, and our slavery irreparable, lest any part of our posterity might want occasion to curse him; He declared that power to be so inherent to the Crowne, as that it was not in the power even of Parliaments to divide them.

I have heard, Mr. Speaker, and I thinke here that common Fame is ground enough for this House to accuse upon; And then undoubtedly enough to be accused upon in this House: She hath reported this so generally, that I expect not that you should bid me name him whom you all know, nor doe I looke to tell you newes, when I tell you it is my Lord Keeper. But this I think fit to put you in minde, That his place admits him to his Majestie, and trusts him with his Majesties conscience; and how pernicious every moment, whilst one gives him means to infuse such unjust opinions of this House, as are expresst in a Libell, rather then a Declaration, of which many believe him to be the principall Secretary, and th' other puts the vaste and most unlimited power of the Chauncery into his hands, the safest of which will be dangerous; for my part, I thinke no man secure, that he shall thinke himselfe worth any thing when he rises,

whilest

whilst all our estates are in his breast, who hath sacrificed his Countrey to his ambition; whilst hee who hath prostrated his owne conscience, hath the keeping of the Kings; and he who hath undone us already by wholesale, hath a power left in him by retaile.

Mr. Speaker, in the beginning of the Parliament he told us, and I am confident, every man here believes it before he told it, and never the more for his telling, though a sorry witnesse is a good testimony against himselfe; That his Majestie never required any thing from any his Ministers but Justice, and Integrity. Against which, if any of them have transgrest, upon their heads, and that deservedly, it ought to fall; It was full and truly; but he hath in this saying pronounced his owne condemnation; we shall be more partiall to him then he is to himself, if we be slow to pursue it. It is therefore my just and humble motion, That wee may chuse a select Committee to draw up his and their charge, and to examine their carriage in this particular, to make use of it in the charge, and if he shall be found guilty of tampering with Judges against the publike security, who thought tampering with witnesses in a private cause, worthy of so great a Fine, if he shall be found to have gone before the rest to this Judgement, and to have gone beyond the rest in this Judgement, that in the punishment for it, the Justice of this House may not denie him the due honor both to preceed and exceed the rest.

Sir

Sir JOHN CULPEPPER'S Speech in the Commons House of Parliament.

9°. *Novemb.* 1640.

Mr. SPEAKER,

I stand not up with a Petition in my hand. I have it in my mouth, and have it in charge from them that sent me hither, humbly to present to the consideration of this House the grievances of the County of *Kent*; I shall only summe them up, they are these,

First, the great increase of Papists by the remisse execution of those lawes which were made to suppresse them: the life of the law is execution; without this, they become a dead letter; this is wanting, and a great grievance.

The second, is the obtruding and countenancing of divers new Ceremonies in matters of Religion, as placing the Communion Table Altar-wise, and bowing or cringing to, or towards it, the refusing of the holy Sacrament to such as refuse to come to the Rayles, These carry with them some scandall, and much offence.

The third, is Military charges, and therein first, that of Coate and Conduct money, required as a loane, pressed as a due, in each respect equally a grievance. The second is the enhancing the price of Powder, whereby the Trayned Bands are much discouraged in their exercising: howsoever this may appeare *prima facie*, upon due

due examination it will appeare a great grievance. The third is more particular to our County: It is this; The last Summer was twelvemonth, 1000. of our best Arms were taken from the owners, and sent into *Scotland*: The compulsary way was this; If you will not send your Arms you shall goe your selves. M. *Speaker*, the trayned Band is a *Militia* of great strength and honor, without charges to the King, and deserves all due encouragement.

The fourth, is the Canons, I assigne these to bee a grievance; First, in respect of the matter, besides the &c. Oath. Secondly, in respect of the makers, they were chosen to serve in a Convocation; that falling with the Parliament, the Scene was altered; The same men without any new election, shufled into a sacred Synod. Thirdly, in respect of the consequence, which in this age, when the second ill president becomes a Law, is full of danger. The Clergy, without confirmation of a Parliament, have assumed unto themselves power to make Lawes, to grant Reliefe by the name of benevolence, and to intermeddle with our free-hold by suspensions and deprivation, This is a grievance of a high nature.

The next grievance is the Ship-money; This cries aloud, I may say, I hope without offence; This strikes the first born of every family, I meane our inheritance; If the Lawes give the king power, in any danger of the kingdom, whereof hee is Judge, to impose what and when hee please; wee owe all that is left, to the goodnesse of the King, not to the Law, M. *Speaker*, this makes the Farmors faint, and the Plough to goe heavy.

The next is the great decay of cloathing and fall of our woolls; These are the golden Mines of *England* which gives a foundation to that trade which we drive with all the World; I know there are many starres concurre in this constellation, I will not trouble you with more than one cause of it, which I dare affirme to

bee

be the greatest. It is the great customes and impositions laid upon our Cloath, and new Draperies: I speak not this with a wish to lessen the King revenews, so it be done by Parliament; I shall give my voice to lay more charge upon the superfluities, due regard being had to trade, which we import from all other Nations: sure I am that those impositions upon our native commodities are dangerous, give liberty to our neighbours to undersell; And I take it for a rule, that besides our losse in trade, which is five times as much as the King receiveth, what is imposed upon our Cloaths, this is taken from the rent of our lands. I have but one grievance more to offer unto you: But this one compriseth many, It is a neast of waspes, or swarm of vermine, which have overcrept the land, I mean the Monopoles and Polers of the people; These, like the Frogs of Ægypt have gotten possession of our dwellings, and have scarce a room free from them; They sup in our Cup, they dip in our Dish, they sit by our fire, we finde them in the Dy fat, washboule, and Poudering tub, they share with the Butler in his box, they have marked and sealed us from head to foot. Mr. *Speaker*, they will not bate us a Pin: we may not buy our own Cloathes without their brokage; These are the Leeches that have suckt the Common wealth so hard, that it is almost become hecticall: And Mr. *Speaker*, some of these are ashamed of their right names; they have a vizard to hide the brand made by that good law in the last Parliament of King *James*; They shelter themselves under the name of a Corporation, they make by-laws which serve their turns to squeese us, and fill their purses; unface these and they will prove as bad Cards as any in the pack; These are not petty Chapmen, but wholesale men. Mr. *Speaker*, I have ecchoed to you the cryes of the kingdome, I will tell you their hopes: they look to Heaven for a blessing upon this Parliament, they hang upon his Majesties exempla-

exemplary piety and great justice, which renders his eares open to the just complaints of his Subjects; we have had lately a gratious assurance of it, they are the wise conduct of this, whereby the other great affaires of the Kingdome, and this our grievance of no lesse import; And this may go hand in hand, in preparation and resolution; Then by the blessing of God we shall return home with an Olive branch in our mouths, and full confirmations of the priviledges, which we received from our Ancestors, and ow to our posterity, which every freeborn English man hath received with the aire he breathed in.

These are our hopes, These are our prayers.

Mr. Bagshaw his speech in Parliament, 7 *die Novemb.* 1640.

Mr. Speaker,

I Had rather Act then speak in those weighty businesses of the Kingdome, which have been so excellently handled by these foure worthy Gentlemen, that spake last, and therefore I shall be short. For when I look upon the Body of this goodly and flourishing Kingdom in matters of Religion, and of our laws, (For like *Hippocrates* Twins, they live and dye together) I say when I behold these in that state and plight, as they have been represented to us, *Flere magis libet quam dicere*; But this is our comfort, Mr. *Speaker*, that we are all met together for the welfare and happinesse of Prince and People; And who knows whether this may not be the appoin-

ted time, wherein God will restore our Religion as at the first, and our laws as at the beginning.

The honour of a King consisteth in the weale of his people: this undoubted maxime his Majesty hath made good by his late gracious speech and promise to us to redresse all our grievances, to destroy the enemies of our Peace, and plenty.

To make a people rich, they must have ease & justice. Ease in their Consciences from the bane of Superstition, from the intolerable burthen of innnovation in Religion, and from the racks and tortures of strange and newfangled Oaths. They must be eased in their persons, being *liberi homines*, and not *Villanes*; All illegall arrests and imprisonment against *Magna Charta*, being our greatest liberties. They must be eased in their lands from Forrest, where never any Deer fed, from depopulations, where never any Farm was decayed, and from inclosures, where never any hedges were set. But must lastly be eased in their goods from their exactions and expilations of Pursevants and Apparitors, of Projectors and Monopolists, *Humanarum Calamitatum mercatores*, as an ancient finely calls them: and if the people have all these easements, yet if they have not Justice, they cannot subsist; justice is to the Civill body, as food to the naturall; If the streams of Justice be by unrighteousnesse turned into Gall and Wormword, or by cruelty, like the Ægyptian waters, be turned into blood, those which drink of these brooks must needs dy and perish.

The Law saith that all Justice is in the King, who is stiled in our book *Fons Justitiæ*, and he commits it to his Judges, for the execution wherein he trusts them with two of the chiefest flowers, which belong to his Crown: The administration of his justice, and the exposition of his laws: but he will not trust them without an Oath required of them, by the Statute of 18 E. 31. Which is so strict and severe, that it made a Judge whom

whom I know, though honeſt and ſtrict, yet to quake and tremble at the very mention of it. The effect of the Oath is, that they ſhould doe equall law, and execution of right to all the Kings Subjects, poore aſwell as rich, without regard of any perſon.

That they ſhould not deny to doe common right to any man by the Kings letters; and for any other cauſe: And in caſe ſuch letters do, that they proceed to do come the law notwithſtanding ſuch letters, or for any other cauſes, as they will anſwer to the King, in bodies, goods, and lands: how this Oath hath been performed, we have ſeen and felt; I need ſay no more. But when I caſt mine eyes upon the inferiour Courts of Juſtice, wherein no ſuch oath is required; I meane, the High Commiſſion, and other Eccleſiaſticall Courts, my ſoule hath bled for the wrong preſſures which I have obſerved to have been done and committed in theſe Courts, againſt the Kings good people; eſpecially for the moſt monſtrous abuſe of the Oath *Ex Officio*; which, as it is now uſed, I can call no other than *Carnificina Conſcientiæ*: I have ſome reaſon to know this, that have been an Attendant to the Court theſe five yeeres for my ſelfe, and a deare friend of mine, ſometimes Knight of our Shire, for a meer triviall buſineſſe; that the moſt that could be proved againſt him, was the putting on his hat in the time of Sermon. Of which Court I ſhall ſay more, and make good what I ſay, when thoſe ulcers come to be opened.

Mr. *Speaker*, I ſay theſe foure worthies that ſpake before me, have told you of our miſeries; but I cannot tell you of the remedies: For things are come to that height, that I may ſay, as *Livy* ſayd of the Roman ſtate in his time, *Nec Vitia noſtra ſcire poſſumus nec Remedia*; for no Laws will now doe us good; Better Laws could not have been made, then the Stat. of Monopolies, againſt Projectors, and the Petition of right againſt the infringers of liberties; and yet as if the Law had bin the Au-

thor of them, there hath been within these few years more Monopolies and infringment of liberties, than hath been in any age since the Conquest: and if all those vile Harlets, as Queen *Elizabeth* called them, that have been the Authors of those Evils and the Troublers of our *Israel* doe go unpunished; it will never be better with us; for now during Parliament, like frozen Snakes their poyson dryes up, but let the Parliament dissolve, and then their poyson melts and scatters abroad, and doth more hurt then ever. What then must be done? Why? what the Playster cannot doe, must be done by the Law: *Ense recidendum est, ne pars sincera trahatur.* I can not better English it, then in the words of a King, Let them be cut of in their wickednesse, that have framed mischiefe as a Law. My conclusion, Mr. *Speaker*, is this; Let the wofull violation of the State of Monopolies, and the Petition of Right be made Felony, or Premunire at the least, but yet in the interim let them be made examples of punishment, who have been the Authors of all those miseries, according to the Counsell of *Salomon*, *Take away the wicked from before the King, and his Throne shall be Established in Righteousnesse.*

To the right Honorable the Lords Spirituall and Temporall in the high Court of Parliament assembled,

The humble Petition of Thomas *Earle of* Strafford *his Majesties Lievtenant Generall of* Ireland

Most humbly sheweth,

THat in obedience to your Lordships order, and in due respect and acknowledgment of your noble ju-

juſtice you vouchſafed this your Petitioner the other day, he now expreſſeth in writing that humble requeſt that he then made, concerning the examining of witneſſes; which, with your Lordſhips favor, was this,

1 That there might be no admiſſion of any examination of witneſſes in the cauſe, till your Petitioner hath put in his anſwer to the charge of Treaſon, exhibited againſt him.

2 That after anſwer, no witneſſes ſhould be examined, before your Petitioner had the names of ſuch witneſſes delivered unto him by your Lordſhips order, to the intent (as by his Councell he ſhould be adviſed) he might either except againſt ſuch witneſſes, or croſſe-examine them.

3 That before either of theſe two points ſhould be over-ruled againſt your Petitioner, your Lordſhips would be honorably pleaſed to heare him by his Councell, at the Barre, to ſhew cauſe why he humbly conceives his deſires herein to be juſt and reaſonable.

Finally, your Petitioner humbly craves your Lordſhips remiſſion, if his Petition be not ſo formall as it ought, and might be, had he the help of Councell: And ſhall ever with all expreſſion of duty and thankfulneſſe, retaine in full memory your Lordſhips moſt honourable Juſtice, and noble reſpects to your Petitioner the other day; and pay your Lordſhips the duties of this whole life for the ſame; and alwayes, and unfainedly pray for your moſt noble Lordſhips increaſe of all everlaſting honour and happineſſe.

Concerning the Prices of Wine, &c.

Die Mercurii, Maii 26. 1641.

UPon the whole matter of the Report,
It was *resolved upon the question*,

1 That the Patent for the payment of 40 shillings *per* Tun on the Wines by the Merchants, is illegall in the creation, and a grievance.

2 That the imposition of a penny on a quart on French Wines, and two pence on a quart on Spanish Wines, is a grievance.

3 That the Patent of the imposition of 40 shillings *per* Tun, is a grievance in the execution.

4 That Alderman *Abel*, and Master *Richard Kilvert* are the principall Projectors both in the creation and execution of this illegall imposition of 40 shill. *per* Tun.

Resolved upon the question,

That there shalbe a Bill prepared, declaring the offences of Alderman *Abel*, and *Richard Kilvert*, to the end they may be made exemplary.

Resolved,

Resolved, &c

That a select Committee be named, to examine who were the Referrers Advisers, Sharers, Complotters and Contractors, and those that have received any bribe or benefit by this Patent, and who drew the Patent.

Resolved, &c.

That the Proclamation dated the 15th of July, in the 14th yeare of the King, prohibiting the Wine-Coopers to buy and sell Wine, is illegall, and against the liberty of the Subject.

Resolved, &c.

That the Decree made in the Star-chamber in December 1633. prohibiting retailing Vintners to dresse meat in their own houses, to sell againe to guests, is illegall, and against the liberty of the Subject.

Sir *Thomas Rowe* his Speech at the Councell Table, touching Braſſe-Mony, or againſt Braſſe-Money, with many notable obſervations thereupon, *July*, 1640.

MY Lords, ſince it hath pleaſed this Honorable table, to command amongſt others my poore opinion concerning this waighty propoſition of money, I muſt humbly crave pardon, if with that freedome that becometh my duty to my good and gracious Maſter, and my obedience to your great commands, I deliver it ſo.

I cannot my Lords, but aſſuredly conceive this intended project of inſeobling the Coyn, will trench very far both into the honor of Juſtice, and profit of my Royall Maſter.

All eſtates do ſtand *Magis fama quam vi* as *Tacitus* ſaith of *Rome*; And wealth in every Kingdome is one of the eſſentiall marks of their greatneſſe, and is beſt expreſſed in the meaſures and purity of their moneys. Hence it was that ſo long as the Romane Empire, a pattern of the beſt Government held up their glory, or greatneſſe, they ever maintained with little or no change the ſtandard of their Coyn, but after the looſe time of *Commodus* had led in need by exceſſe, and ſo by that ſhift of changing the ſtandard, the Majeſty of that Empire fell by degrees. And as *Vopiſcus* ſaith, the ſteps by which that State deſcended, were viſible moſt by the generall alteration of their Coynes; and there is no ſurer ſimptomes of conſumption in State, then the corruption of the Money.

What Renowne is left to the Poſterity of *Edw.* 1. in amend-

ing the ſtandard both in puritie and weight, from that of elder and barbarous times; it muſt needs ſtick as a blemiſh upon Princes that do the contrary.

Thus we ſee it was with *Hen.6.* who after he had begun with a baiting the meaſures, he afterwards fell to abaſing the matter; and granted Commiſſion to Miſſend, and others to practiſe Alcamie to ſerve his Mint.

The extremity the State in generall felt by this agrievance, beſides the diſhonor it layd upon the perſon of the King, was not the leaſt diſadvantage his diſloyall kinſman tooke, to ingrace himſelfe into the peoples favours, to his Soveraigns Reign.

When *Hen.* the 8th. had gained as much of power and glory abroad, of love and obedience at home as ever any, he ſuffered a loſſe by this Rock.

When his Daughter Queene *Elizabeth* came to the Crowne, ſhe was happier in Councell to amend that error of her Father, for in a memoriall of the Lord Treaſurer *Burleighs* his hand, I finde that he and Sir *Thomas Smith*, a grave and learned man, adviſed the Queen that it was the Crown, and the true wealth of her ſelfe and people, to reduce the ſtandard to the ancient party, and purity of her great Grandfather *Edward* the 4th. and that it was not the ſhort end of wits, nor ſtarting holes of deviſes, that can ſuſtain the expence of a Monarchy, but ſound and ſolid courſes, for ſo are the words; She followed their a deviſe, and began to reduce the moneys to their elder goodneſſe, ſtiling this worke in her firſt Proclamation Anno 3°. a famous Act. The next year following, Anno 3°. having perfected, as it after ſtood, She telleth her people by another Edict; That She had conquered now that monſter that had ſo long devoured them, meaning the variation of the ſtandard. And ſo long as that ſad adviſer lived, She never (though often by Projectors importuned) could be drawne to any ſhift or change in her Moneys.

To avoyd the trouble of permutation, Coyners deviſed as a rule and meaſure of Marchandize and Manufactaries, which if mutable, no man can tell either what he hath, or what he oweth, no contract can be certain, and ſo all commerce both publike and private deſtroyed, and men again enforced to permuta-

tion

tion with things not subject to will and fraud.

The Regulating of Coyn hath been left to the care of Princes, who have ever beene presumed to be the Fathers of the Common-wealth, upon their honors they are debtors and warrants to the subjects in that behalfe.

They cannot saith *Bodin*, alter the price of moneys to the prejudice of the subiect, without incurring the reproach of *Faux* moneyars. And therefore stories terme *Phillip le Belle falsificator de monet. omnino monet. integritas debet quæri ubi vultus noster Imprimatur*, said *Theodoret* the *Goth* to his Mint-maister. *Quidnam erit tutum si nostra peccetur effigie*, Princes must not suffer their faces to warrant falshood.

Although I am not of opinion with the *Minor des Justices*, the ancientest books of the Common-Law. That *Le Royne poit faire money impaire ne a mander sans Lassent des touts les Counties*, which was the great counsel of the Kingdome. Yet cannot I passe over the goodnesse and grace of many other our *Kings*, as *Edw.* 1. *Edw.* 3. *Hen.* 4. and the 5th. and others; who out of the rule of their Justice. *Quod ad omnes spectat, ab omnibus debet approbari*, have often advised with their people in Parliament, both for the Allay, weight, number of peeces, rate of Coynage and exchange, and m st with infinite goodnesse acknowledg the care and Justice now of my good Master, and your Lordships wisedomes, that would not upon the information of some few officers of the Mint, before a free and carefu'l debate, put in execution this Proiect. Yet I must under your Lordships favour suspect it would have taken away the tenth part of every mans due debt or rent alreadie reserved throughout the Realm, not sparing the King, which could have been little lesse then a *Species* of that which the Roman stories call *Tabulæ novæ*, from whence every sedition hath sprang, as that of *Marius Grantidianus* in *Livio*, who pretending in his Consulship, thatt the currant money was wasted by us, called it in, and altered the Standard, which grew so heavie and grievous to the people, as the Author sayth, because thereby no man knoweth certainly his wealth, that it caused a tumult.

In this last part which is the disprofit that the enfeobling the Coyn, will bring both to his Maiesty, and to the Common-

wealth. I must distinguish the moneyes of gold and silver as they are bullion and commodities, and as they are measures, the one of the extrinsique quality, which is at the Kings pleasure, as all other measures to name, the other the intrinsique quality, of pure mettall, which is in the Merchant to value as their measure, shall be either to be lessened or enlarged, so is the quantity of the commodity that is to be exchanged, if then the King shall cut his shilling or pound in money lesse than it was before, a lesse portion of such commodities as shall be exchanged, for it, must be received, it must then of force follow, that all things of necessity, as victualls, apparell, and the rest as well as those of pleasure, must be inhaunsed. If then all men shall receive in their shillings and pounds a lesse proportion of silver and gold than they did before this projected alteration, and pay for what they *buy at a* rate enhaunsed, it must cast upon all a double losse, what the King will suffer by it in the Rents of his lands, is demonstrated enough by the alteration since the 18 of *Ed* 3. when all the Revenues of the Crown came unto the receipts *pondere & numero*, after 5 Groats the Ounce, which since that time by severall changes of the Standard is come to 5^{s}. whereby the King hath two third parts of his just Revenues.

In his Customes, the book of rates being regulated by pounds and shillings, his Majesty must lose alike, and so in all and whatsoever moneyes, that after this he must receive the profits of his Coynage, cannot be much more permanent in the losse lasting, and so long as it reacheth to little lesse than yeerly, to accept part of his Revenue, for in every pound tale of gold is 7 Ounces, 1^{d}. weight, and 19 grains losse, which 25^{l}. in accompt, and in 700^{l}. tail of silver, which is 14^{l}. 17^{s}. more. And his Majesty shall undergo all this losse hereafter, in all his receipts, so shall he no lesse in all his disbursments, the wages of his souldiers must be ratably advanced, as the money is decreased. This *Edward* the 3, as appeareth by the accounts of the Wardrobe and Exchequer, as all the Kings after him were inforced to do, as often as the lessened Standard of the moneyes of what shall be bought for his Majesties service, must in like manner be inhaunsed on him. As his Majesty hath the greatest profits of receipts and issues, so must he of necessity taste of the most losse by this device.

It

It will destroy or discourage a great proportion of the trade in England, Impair his Maiesties Customes for that part, being not the least that passeth upon trust and credit will be overthrown, for all men being doubtfull of diminution hereby of there personall estates will call in their moneys, already out, and no man will part with that which is lying by him uppon apparant losse, as this must bring; what dammage may befall the State by such a sudden stand of Trade I cannot guesse.

The moneys both of gold and silver formerly Coyned and abroad, richer then those intended, will be made of the most hereby Bulloin and so transported; which I conceive will be none of the least inducements that hath drawn so many Goldsmithes to side this Project, that they may be thereby Factors for the Strangers, who by the Law of Mintage bring but two shillings silver to the pound waight, and 4 shillings for gold; whereas with us the one is and the other 5 shillings, many make that profit beyond the Sea, they cannot here, and so his Maiesties Mint unset of worke.

And as his Maiesties losse appeareth in the alteration of many 1/4th in the silver, and a 25th part in all the gold they after shall receive; so shall the Nobilitie, Gentry, and all other landed men in all their former setled Rents, Annuities, Pensions, and sums of money, the like will fall upon the labourers and workemen in their statute wages. And as their receipts are lessened hereby, so are their issues increased either by improving all prices, or disfurnishing the Market, which must necessarily follow; for in the 5th of *Edw.* 6th. 3° *Mary*, 4to *Eliz.* as appeareth by their Proclamations, That a Rumour only of alteration caused such effects, punishing the author of such reports, with Imprisonment, and Pillory. It cannot be doubted, but the projecting of such a change, must be of far greater consequence and danger to the State, and would be wished that the Actors, and authors of such disturbances in the Common-wealth at all times hereafter, might undergo a punishment proportionable.

It cannot be held, I presume, an advise of best judgement that layeth the losse upon our selves, and the gain upon our enemies, for who are like to be in this the greatest thrivers, is not visible that the strangers who support, or money for bullion, our own Gold-smiths, who are their Brokers, and the Hedgminters of the

Netherlands, who tearmed them well, will have a fresh and full trade by this abasements. And we do not the Spanish King, our greatest enemy, a greater favour than by his, who being Lord of these commodities by his West-Indies, we shall so advance them to our impoverishment, for it is not in the power of any State to raise of the price of their own, but the value that their neighbours, set upon them, experience hath taught us that the enfeebling of Coyn is but a shift for a while, as drinke to one in a dropsie, to make him swell the more, but the state was never thorowly cured, as we saw in *Henry* the Eighths time, and the late Queens, untill the Coyn was made rich again.

I cannot but then conclude my honorable Lords, that if the proportion of Gold and Silver to each other be wrought to that purity, by the advice of the Artists that neither may be too rich for the other, that the Mintage may be reduced to some proportion of neighbour parts, and that the issue of native commodities may be brought to over-ballance the entrance of the forraigne, we need not seek any shift, but shall again see our trade to flourish, the Mint as, the pulse of the Common-wealth, again to beat, and our Materialls by Industry, to be Mynes of Gold and Silver, which we all wish and work for, supported unto us, and the honor of Justice, and Profit of his Majesty.

Certain general Rules collected concerning Money and Bullion, out of the late Consultation at Court.

GOld and silver hath a two fold estimation in the extrinsique, as they are moneys, and Princes measures given to his people, and this is a Prerogative of Kings in the *Intrinsique*, they are commodities valewing each other according to the plenty or scarcity; and so all other commodities by them, and that is the sole power of Trade.

The measure in a Kingdome ought to be constant, It is the Justice and honor of the King; for if they be altered, all men at that time are deceived in the precedent contracts, either for lands or moneys, and the King most of all; for no man knoweth either what he hath, or what he oweth.

This made the Lord Treasurer *Burleigh* in Anno 1573. when some Projectors had set on foot a matter of that nature, to tell them that they were worthy to suffer death, for attempting to put

put so great a dishonor upon the Queen, and detriment and discontent on the people; for to alter this publike measure is to leave all the Markets of the Kingdome unfurnished: and what will be the mischiefe the Proclamation of 5. and 6. 3°. *Mary*, and 4th. of *Eliz.* will manifest, when but a rumor produced that effect so farre, that besides the faith of the Princes to the contrary delivered in their Edicts, they were inforced to cause the Magistrates in every Shire respectively, to constrain the people to furnish the Market, to prevent a mutiny.

To thinke then this measure at this time short, is to raise all prices, or to turn the measure or money now current into disuse and Bullion; for who will depart with any, when it is by seven more in the hundred in the masse, then the now moneys, and yet of no more value in the Market.

Hence the necessitie of it will follow, that there will not of a long time be Minted of the new to drive the exchange of the Kingdome, and so all trade at one instance at a stand; and in meane time the Markets unfurnished, and thus far as money is a measure.

Now as it is a commoditie, it is respected and valued, by the intrinsique qualitie, and first the one mettall to the other.

All commodities are priced by plenty or scarcity, by deareness or cheapness, the one to the other. If then we desire our silver to buy gold as it hath lately been, we must let it it be the cheaper and lesse in proportion valued, and so contrary for one equivalent proportion in both, will bring in neither; we see the profit there of the unusuall quantitie of gold brought lately to the Mint by reason of the price, we rate it at above all other Countries, and gold may be bought too dear; to furnish then this way the Mint with both, is impossible.

And at this time it was apparantly proved both by the best Artists, and Marchants most acquainted with the Exchange, in both the examples of the Mint-masters, in the Rix-dolor, and Royall of Eight, that silver here is of equall valew, and gold above with forreine parts in the intrinsique, but that the fallacie presented to the Lords by the Mint-masters, is only in the nomination of extrinsique qualitie.

But it we desire both, it is not the raysing the valew that doth it, but the balancing the Trade, for we buy more then we sell of

all

all other commodities, be the money never so high priced, we must part with it to make the disproportion even, if we sell more then the contrary will follow.

And this is plain in Spanish necessities, for should that King advance to a double his Royall of Eight, yet needing it by reason of the barrenneſſe of his Country, more of forreign wares, then can countervaile by exchange with his wares, he must then part with his money, and gain the more by enhaunsing his coyn, but he payeth a higher price for the commodities he buyeth, if this work of rayſing be his own.

But if we shall make improvement of gold and silver being the Staple-commodities of this Kingdome, we then advancing the the price of his abaſe to him our own commodities.

To shape this kingdome to the fashion of the Netherlands, were to frame a Royall Monarchie by a ſociety of Marchants; their Country is a continuall Faire, and ſo price of moneys muſt riſe and fall to fit their occaſions; we ſee this by raiſing the Exchange of *Franckford*, and other places, of their uſuall time of the Marts.

This frequent and daily change in the Low-Countries of their moneys is no ſuch injuſtice to any there, as it would be here, for there they being all Merchants, or mechanicks, they can rate accordingly their labour and their Ware, whether it be Coyne, or other merchandize, to the preſent condition of their own money in Exchange.

And our Engliſh Merchants to whoſe profeſſion it properly belongeth, do ſo according to their juſt intrinſique valew of their forreign Coyn in all barter of commodities or Exchange, except uſance which we that are rated and tyed by the extrinſiques meaſure of moneys in all our conſtant reckonigs, and annuall bargains at home cannot do.

And for us then to raiſe our Coyn at this time, to equall their proportions were but to render our ſelves to a perpetuall incertainty, for they will raiſe upon us daily them again, which we of courſe ſhall follow, elſe receive no profit by this preſent change; and ſo deſtroy the Policie, Juſtice, honor, and tranquilitie of our State for ever.

The

Tothe Right Honourable the Lord Deputy.

The humble and juſt Remonſtrance of the Knights, Cittizens and Burgeſſes in Parliament aſſembled.

SHewing that in all ages ſince the happy ſubjection of this Kingdome to the Imperiall Crowne of *England* it was and is a principall ſtudy and Princely care of his Majeſty and his moſt noble Progenitors, Kings and Queens of *England*, and *Ireland*, to the vaſt expence of treaſure and blood; That their loyall and dutifull people of this Land of *Ireland*, beeing now for the moſt part derived from Britiſh Anceſtors, ſhould be governed according to the municipall and fundamentall Lawes of *England*; That the ſtatute of *Magna Charta*, or the great Charter of the liberties of *England*, and other laudable lawes and ſtatutes were in ſeverall Parliaments heere enacted and declared; that by the means thereof & of the moſt prudent & benign government of his Majeſtie & his Royall Progenitors, this Kingdome was untill of late in its growth a flouriſhing eſtate, whereby the ſaid people were heretofore enabled to anſwer their humbleand naturall deſires, to comply with his Majeſties Princelyand royall occaſions, by their free gift of 150. thouſand pounds ſterling: and likewiſe by another free gift of 120. thouſand pounds more, during the government of the Lord Viſcount *Faulkland*, and after by the gift of 40. thouſand pounds, and their free and cheerefull gift of ſixe intire Subſidies, in the tenth yeare of his Majeſties Reigne, which to comply with his Majeſties then occaſions, ſignified to the then houſe of Commons they did allow ſhould ammount

in the Collections unto a hundred and fifty thousand pounds (although as they confidently believe) if the Subsidies had been levyed in a moderate Parliamentary way, they would not have amounted to much more then halfe the sum aforesaid, besides the foure intire Subsidies graunted in this present Parliament.

Soe it is, may it please your Lordship, by the occasion of insuing and other grievances and Innovations, though to his Majesty no considerable profit this Kingdome is reduced to that extreame and universall poverty, that the same is lesse able to pay 2 Subsidies then it was hertofore to satisfie all the before-recyted great payments, & his Majesties most faithfull people of the Land, do conceive great fears, that the said grievances and consequences thereof, may be hereafter drawne into presidents, to be perpetuated upon their posterity which in their great hopes and strong beliefe, they are perswaded is contrary to his Royall and Princely intention towards his said people, of which greivances are as followeth.

1, First, the generall apparant decay of Trades, occasioned by the new and illegall raising of the booke of rates, and impositions upon native, and other Commodities, exported and imported, by reason whereof and of extreame usage and censures, Merchants are beggered both, and disinabled and discouraged to Trade; and some of the honourable persons who gaine thereby often Iudges and parties. And that in the conclusion his Majesties profit thereby is not considerably advanced.

2. The arbitrary decision of all civill causes and controversies by paper petitions, before the Lord Lieutenant and Lord Deputy, and infinite other Iudicatories upon references from them derived in the nature of all actions determinable at the Common Law, not limited into certaine time, cause season or thing whatsoever: And the consequences of such exceeding by immoderate and unlawfull fees, by Secretaries Clarkes, Pursivants, Serjeants at Armes, and otherwise, by which kinde of proceedings his Majesty looseth a considerable

derable part of his revenue upon originall writs, and other wise: and the Subject looseth the benefit of his writ of Error, bill of reversall, vouchees, and other legall and just advantages and the ordinary course and Courts of Justice declined.

3. The proceedings in civill causes at Counsell board contrary to the Law and great Charter, not limtted to any certaine time or season.

4 That the Subject is in all the mareriall parts thereof denyed the benefit of the Princely graces, and more especially of the statute of limitations of 21. of *Iac.* Graunted by his Majesty in the fourth yeare of his Raigne, upon great advice of Counsell of *England* and *Ireland*, and for great consideration, and then published in all the Courts of *Dublin*, and in all the Counties of this Kingdome in open assizes, whereby all persons doe take notice, that contrary to his Majesties pious intentions, his Subjects of this land have not enjoyed the benefit of his Majesties Princelie promise thereby made.

5. The extrajudiciall avoyding of Letters Pattents of estates; of a very great part of his Majesties subjects under the great Seale (the publique faith of the Kingdome) by private opinions, delivered at the Counsell board without legall evictions of their estates, contrary to the law, and without president or example of any former age.

6. The Proclamation for the sole emption and uttering of Tobacco, which is bought at very low rates, and uttered at high and excessive rates, by meanes whereof thousands of families within this Kingdome, and of his Majesties Subjects, in severall Ilands, and other parts of the West Indies (as your Petitioners are informed) are destroyed; and themost part of the coyn of this Kingdome is ingrossed into particular hands: Insomuch as the petitioners do conceive that the proffit arising and engrossed thereby doth surmount his Majestyes revenue, certain or casuall, within this Kingdome, and yet his Majesty receiveth but very little profit by the same.

7. The universall and unlawfull increasing of Monopolies, to the advantage of a few, to the disprofit of his Majesty, and Impoverishment of his people.

8. The extream and cruell usage of certain late Commissioners, and other stewards, the Brittish Farmers and Inhabitants of the City and County of *London Derry*, by meanes whereof the worthy Plantation of that Country is almost destroyed, and the Inhabitants are reduced to great poverty, and many of them forced to forsake the Country, the same beeing the first and most usefull Plantation in the large Province of that Ulster, to the great weakning of the Kingdome, in in this time of danger, the said plantation being the principall strength of those parts.

9. The late erection of the Court of high Commission, for causes Ecclesiasticall in those necessi ous times, the proceedings of the said Court, in many causes without legal warrant, and yet so supported as prohibitions have not been obtained, though legally sought for: And the excessive fees exacted by the Ministers thereof, and the encroaching of the same upon the jurisdiction of other Ecclesiasticall Courts of this Kingdome.

10. The exorbitant fees and pretended Customes exacted by the Clergy against the Law, some of which have been formerly represented to your Lordship.

11. The Petitioners doe most heartily bemone that his Majesties service and profit are much more impaired then advanced, by the grievances aforesaid; & the Subsidies graunted in the last Parliament, having much increased his Majesties revenue, by the buying of graunts, and otherwise: and that all his Majesties debts then due in this Kingdome, were satisfied out of the said Subsidies; and yet his Majesty is of late, (as the petitioners have been informed, in the house of Commons) become indepted in this Kingdome, in great somes; And they doe therefore humbly beseech, that an exact accompt may bee sent to his Majesty, how and in what manner his treasure issued.

12. The

12. The Petitioners doe humbly conceive juſt and great feares, at a Proclamation publiſhed in this Kingdome, in Anno Domini 1635. Prohibiting men of quality or eſtates, to depart this Kingdome into *England*, without the Lord Deputies Licence, wherein the Subjects of this Kingdome are hindered and interrupted from free acceſſe, to addreſs to his ſacred Majeſty, and privie Counſell of *England*, to declare their juſt grievances, or to obtaine remedies for them in ſuch ſorts their Anceſtors have done, in all ages ſince the Reigne of King *Henry the ſecond*, and great fees exacted, for every of the ſaid Licenſes.

13. That of late his Majeſties late Atourney generall, hath exhibited Informations againſt many Boroughs of this Kingdome, into his Majeſties Court of Exchequer, to ſhew cauſe, by what warrant the ſaid Burgeſſes (who heretofore ſent Burgeſſes to the Parliament) ſhould ſend the Burgeſſes to the Parliament, and thereupon for want of an anſwere, the ſaid priviledges of ſending Burgeſſes was ſeiſed by the ſaid Court, which proceedings were altogether *Coram non Iudice*, and contrary to the lawes and priviledges of the houſe of Parliament, (and if way ſhould be given thereunto) would tend to the ſubverſion of Parliaments, and by conſequence to the ruine and deſtruction of the Common-wealth.

And that the houſe of Commons, hath hitherto in this preſent Parliament, been deprived of the advice and Counſell of many profitable and good members by means thereof.

14. By the powerfulneſſe of ſome Miniſters of ſtate in this Kingdome, the Parliament in its members, and actions, hath not his naturall freedome.

15. And laſtly, that the Gentry, and Merchants, and other his Majeſties Subjects of this Kingdome, are of late by the grievances, and preſſures before ſaid, & other the like brought very neere to ruine, and deſtruction: And Farmers of Cuſtomes, Cuſtomers, Waiters, Searchers, Clarkes of unwarrantable proceedings, Purſivants, and Goalers, and ſundry others, very much enriched, whereby and by the ſlow re-

dreſſe of the petitioners, his Majeſties moſt faithfull and dutifull people of this *Kingdome*, doe conceive great feares, that their readineſſe approved upon all occaſions, hath not beene of latere preſented to his ſacred Majeſty: For remedy whereof the ſaid Petitioners doe humbly and of right beſeech your Lordſhip, that the ſaid grievances and preſſures may bee ſpeedily redreſſed, and if your Lordſhip ſhall not thinke fit to afford preſent reliefe, that your Lordſhip might admit a ſelect Committee of this houſe of Perſons unintereſſed in the benefit ariſing of the aforeſaid grievances to be licenſed by your Lordſhip, to repaire to his ſacred Majeſty in *England*, for to purſue the ſame and to obtaine fitting remedy for their aforeſaid and other juſt grievances and expreſſions, and upon all juſt and honourable occaſions, they will without reſpect of particular intereſt or profit, to be raiſed thereby moſt humbly and readily in Parliament extend their uttermoſt endeavour to ſerve his Majeſty and comply with his royall and princely occaſions, And ſhal pray, &c.

Maſter

Mr. Secretarie *Windebancks* Charge in Parliament 7. *December* 1640.

1

SEventie fower Letters of grace to Recusants within this fowr yeares signed with his owne hands.

2. *Sixtie foure Priests discharged from the Gatehouse at Westminster within these 4. years, and for the most part by him.*

3. *Twenty nine discharged by a verball warrant from him.*

4. *A warrant to protect one Musket a condemned Priest, and al the houses he frequented.*

5. *One committed by the Kings own hand, and discharged by him without signifying the Kings pleasure.*

6. *The Petition of the parish of* St. Gyles *in the fields to the King of the increase of Poperie and that* 21. *were turned by two Priests* Mosse *and* Souther, *which being committed were suddenly discharged by Secretary* Windebanck.

A message from the House of Commons to his Majesty 15. *December* 1640

Mr. Treasurer

IS intreated from this house to acquaint his Majesty with the great care and affection of the house to advance and settle his Majesties Revenue, and for that purpose we humbly desire his Majesty will give us leave to enter into debate of his revenue and his expence.

His

His Majesties answere thereto by *Mr.* Treasurer.

His Majesty being by me acquainted with the great care and affection of the house of Commons *to advance and settle his Maiesties Revenew, doth very graciously interpret the same, and hath commanded me to give the House thankes for it in his name; and his Majesty doth give the House free leave to enter into debate of his Revenews and Expences, as is desired, and hath given order that all his Officers and Ministers from time to time, shall assist the House therein, as there shall be occasion.*

Vote concerning the *Cannons* in the House of Commons. 15. *Decem.* 1640.

That the Clergy of England *Convented in any Convocation or Synod, or otherwise have no power to make any Constitutions, Cannons or Acts whatsoever in matter of Doctrine, or otherwise to bind the Clergy or Laity of this Land without the Commons consent of Parliament.*

That the severall Constitutions and Cannons Ecclesiasticall, Treated upon by the Arch-bishop of Canterbury, *and* Yorke, *Presidents of the Convocation for the respective Provinces of* Canterbury *and* Yorke, *and the rest of the Bishops and Clergy of these Provinces, and agreed upon by the Kings Maiestits licence in their severall Synods began at* London *and* York *1640. do not bind the Clergy or Laity of this Land, or either of them.*

THE

An Order concerning *Monopolers.* 19. *November* 1640.

IT is ordered that upon the queſtion that all Projectors and Monopolizers whatſoever, or that have had any ſhare in any Monopolies, or that doe receive or lately have received any benefit by any Monopolies or Patten, or that have procured any warrant or command, for the reſtraynt or moleſting of any that have refuſed to conforme themſelves to any Proclamation or project are diſabled by order of this Houſe, and if any man have been known to have been a Monopolizer or Pattentee ſhall repaire to have beene a Monopolizer, that he ſhall nominate him; that ony member of this Houſe that is a Monopolizer, or Pattentee, ſhall repayre to Mr. Speaker, *that a new warrant may iſſue forth or other wiſe that he be dealt with as a ſtranger that hath no power to ſit here.*

Order againſt *Monopolies* and Pattens 25. *Nov.* 1640.

IT is this day ordered in the Commons Houſe now aſſembled in Parliament that all Pattens and Grants of Monopolies that have been complained of in this houſe.

The *Scottish* Commissioners thanks to his Majesty 30. *Decemb.* 1640.

WEE *doe in the Name of the* PARLIAMENT *and whole Kingdome of* Scotland *acknowledge in all humility and thankfulnesse, in granting our first demand being fully assured that the Parliament will leave nothing undone that may serve for his Majesties honour & the whole Kingdome, in Testimony of their thankfulnesse, will earnestly pray, that God will graunt his Majesty a long and prosperous Reigne.* Adam Blaire.

The humble Declaration of the Master *and* Wardens *of Vintners,* William Abel *Alderman of* London, *and the rest of the Court of Assistants of that Company, how in what manner the said Company, Farmers and Adventurers have proceeded in the Farmes of* 40. *shillings per tunne and wine Licence.*

IN *the yeare* 1632. *The Lord* Weston *being then high Treasurer of England sent for the* Master *and* Wardens *of the Company of* Vintners, *and demanded of them the Vent and consumption of Wines, one peny a quart, which is* 4. *pound per tun which they utterly refused, alledging it would be the utter undoing of the retayling Vintners.*

In

In Anno 1633. a Decree was made by the advice of the Judges of *England* in the *Star-chamber* : That the Retaylers of wines might not ſell or dreſſe Victuals in their houſes, which time out of mind they were accuſtomed to doe. And this done without any information or bill, or any called to defend or Iuſtifie their trade or uſage of it.

In *Anno* 1634. his Majeſty queſtioned the Vintners, and Retaylers of *Wine*, for the breach of the ſaid Decree, and drew 6000. pounds from the *Vintners* to be lent him: And thereon his Majeſty did by order give way to the Retaylers of Wines, to dreſſe and ſell Victuals till *December* then next following ; at which time his Majeſty promiſed to ſettle it as he thought fit for him to ſigne, and then to have the Vintners relying upon that Temporary Lycence, and of his Majeſties gracious Declaration continued to dreſſe meate beyond the tyme.

In *Anno* 1635. The retaylors of Wines were again queſtioned for breach of the former Decree by his Majeſty, and the Lord *Cottington*, then propounded to yeeld to pay ſomewhat on their vent of Wines, to his Majeſty, which the Retayling Vintners utterly refuſed to doe.

In *Anno* 1636. many retaylors of Wynes were by information in Maſter Attourneys name queſtioned in *Star-chamber*, for breach of the decree, and ſo farre proceeded againſt as that they were ſerved with Proceſſe of that Court to hear judgment.

That things thus depending Sir *Richard Kilvert* repayred to *Alderman Abell*, then Master of the Company, beeing a meere stranger to Master *Kilvert*, and told him his Majesty bid him command by warrant, to prosecute the Vintners in the *Star-chamber*, for selling above the price, and breach of the Decree, for dressing of meat, and against the Merchants scopers, and others; Intimating further it was his Majesties pleasure that some of the Company of Vintners should attend the *Right Honourable Marquis Hambleton* concerning the same.

In *October Anno* 1637. at Vintners Hall *London*, *William Abell Alderman* beeing then Mr. of that Company, imparted to the Company, that Master *Richard Kilvert* had been lately with him, and acquainted him with the former passages.

At this court the company of vintners taking their busines into their serious considerations, & weighing how they might hazard the utter undoing of such as had transgressed the Decree, if they should be brought to a sentence in *Star-chamber* made choyse and did intreate *Alderman Abell*, *then their master*, *Edward Kinaston*, *Robert Shawe*, *Ralph Moore*, *George Hubburt*, *and Michaell Gardiner*. For the Committee, to waite upon the said Lord Marques *Hambleton*, by whom Master *Killvert* had intimated his Majesties pleasure should bee made knowne, and to impart the same againe unto the Company.

That

That Alderman *Abell*, and the reſt, did attend the Marqueſſe who told them, that his Majeſty had given him the Fines of all the Vintners to be impoſed in *Star-chamber*, but yet if the Vintners would condeſcend to pay his Majeſty 4. pound a Tunne, upon Conſumption of wines, he could forbeare the fines, and all proſecutions ſhould be ſtayed, and himſelfe would depend upon his Majeſties favour in ſome other thing.

And after many attendances and ſeverall reaſons offered by them on the behalfe of the Company, againſt paying any thing on the Conſumption of Wines, and not prevailing, beeing then by the Lord Marqueſſe promiſed ſome advancing price and other priviledges, and beeing adviſed by Counſell that wine beeing a forraygn Commodity, his Majeſty might prohibite the comming of it, and impoſe what he pleaſed on it, thereupon and upon the aforeſaid threats and promiſes after the ſame was imparted, and often debated by the Companie, they ſubmitted to the payment of 40 ſhillings *per Tunne*, 4. pound beeing demanded; And ſo on the 11. of *June* 1638. together with the *French* and *Spaniſh* Merchants, they the ſaid Company of Vintners, contracted by Indenture Quadrupartite with his Majeſty, to pay him fourtie ſhillings *per Tunne* on all ſuch wines as they bought and Vented, and the Company of Vintners beeing enformed that the Farmers of his Majeſties Cuſtomes, and ſome particular Merchants of the Company of Coopers,

London moved and sued to his Majesty to farme the sayd Duties, and the Company of Vintners well knowing what great hinderance it would bee to them, if strangers should come in & search their sellers, & know the particular of what they had bought and sould, the Company to prevent many inconveniences, desired rather to Farme the duty from his Majesty, his Majestie declaring that he would not contract with a generality of company for the same, but with some particular members.

The Company did desire Alderman *Abell*, and nine others freemen of their Company, to performe the contract with his Majesty for the same duty, who tooke it to farme at 3000. Pounds *Per Annum* for eight yeares.

And it was agreed by the Company, that the farmers should have no more share of profit and losse in the Farme then other brethren had, which should be pleased to undertake, and goe adventure with them: And it was ordered by the Company, that if that Farmer or adventurer should decease, that then that partyes adventure should bee transferred to some other free Vintner, and to none other, and not to descend either to

to the Executors or Administrators of such Vintners, so deceasing; the said ten Farmers, being nominated by the Company, and adventured in the same farme of forty shillings *per Tunne* on Wine and Farme of Wine Licences, which they likewise took by direction of the Company, on the second of *January* 1640. Humbly Petitioned his Majesty to accept of the said Farmes, they accounting to his Majesty for all moneys received from the beginning, they having allowance for what they disbursed, and stand engaged for, for his Majesties service, with interest and necessary charges, without any profit to themselves.

And Master Alderman *Abell* and divers others, the Contractors never dealt in grosse nor benefitted themselves by the Advance upon Retayle of wine, so that he in all this hath bin but a person intreated into this business for the Company, and no whit for himselfe, nor hath otherwise or in any other manner as forother cause acted any thing at all in or concerning this busines.

THE

To the High and Honourable Court of PARLIAMENT,

The humble Petition of the *Universitie* of OXFORD,

Sheweth,

THAT whereas the *Universitie* hath been informed of severall Petitions concerning the present Government of this Church, and maintenance of the Clergie, which have of late been exhibited to this Honourable Assembly; We could not but think our Selves bound in duty to God, and this whole Nation, in charity to our Selves and Successors, who have and are like to have more then ordinary interest in any resolution that shall be taken concerning Church-affaires, in all humility, to desire the continuance of that form of Government, which is now established here, and hath been preserved in some of the Eastern and Western Churches, in a continued Succession of *Bishops*, downe from the very Apostles to this present time; the like whereof cannot be affirmed of any other form of Government in any Church. Upon which consideration, and such other motives as have been already represented to this Honourable Parliament from other Persons and places (with whom we concurr) in behalf of *Episcopacy*, We earnestly desire, that you would protect that ancient and *Apostolicall Order* from ruine or diminution.

And become farther Suiters for the continuance of those pious Foundations of *Cathedrall Churches*, with their Lands and Revenues,

As dedicate to the Service and Honour of God, soon after the plantation of Christianity in the English Nation:

As thought fit and usefull to be preserved for that end, when the Nurseries of Superstition were demolished, and so continued in the last and best times since the blessed Reformation, under *King Edw. 6. Q Elizabeth* & *K. James*, Princes renowned through the world for their piety and wisdome:

As approved and confirmed by the Laws of this land, ancient and modern:

As the principall outward motive and encouragement of all Students, especially in Divinity, and the fittest reward of some deep and eminent Scholars:

As producing or nourishing in all ages many godly and learned men, who have most strongly asserted the truth of that Religion we professe, against the many fierce oppositions of our Adversaries of *Rome*.

As affording a competent portion in an ingenuous way to many younger Brothers of good Parentage, who devote themselves to the Ministery of the Gospell:

As the onely means of subsistence to a multitude of Officers and other Ministers, who with their Families depend upon them and are wholly maintained by them:

As the main Authors or upholders of diverse Schools, Hospitalls, High-wayes, Bridges, and other publique and pious works:

As speciall causes of much profit and advantage to those Cities where they are scituate, not only by relieving their poore, and keeping convenient Hospitality, but by occasioning a frequent resort of Strangers from other parts, to the great benefit of all Tradesmen, and most Inhabitants in those places:

As the goodly Monuments of our Predecessors Piety, and present Honour of this kingdome in the eye of forreine Nations:

As the chiefe support of many thousand Families of the Laity, who enjoy faire estates from them in a free way:

As yeelding a constant and ample revenue to the Crown:

And as by which many of the learned *Professours* in our *University* are maintained.

The subversion or alienation whereof must (as we conceive) not only be attended with such consequences as will redound to the scandall of many well affected to our Religion, but open the mouths of our Adversaries, and of Posterity against us; and is likely in time to draw after it harder conditions upon a considerable part of the Laity, an universall cheapnesse and contempt upon the Clergie, a lamentable drooping and defection of industry and knowledge in the *Universities*; which is easie to foresee, but will be hard to remedy.

May it therefore please this Honourable Assembly, *upon these and such other Considerations as your great wisdomes shall suggest, to take such pious care for the continuance of these* Religious Houses, *and their Revenews, according to the best intentions of their* Founders, *as may be to the most furtherance of Gods glory and service, the Honor of this Church and Nation, the advancement of* Religion *and* Learning, *the encouragement of the modest hopes and honest endeavours of many hundred* Students *in the* Universities

Who doe and shall ever pray, &c.

Dat. An. Dom. *millesimo sexcent' quad' primo è Domo Convocationis, in celebri Conventu Doctorum ac Magistrorum, omnibus & singulis assentientibus.*

The Speech of Sergeant *Glanvill* in the upper House of *Parliament*, for the Redresse of the present Grievances.

His Majesty being seated on his Throne, Sergeant Glanvill *was called to the Barre, being represented by the House of Commons for their Speaker; who spake as followeth.*

May it please your Majesty,

THE Knights, Citizens, and Burgesses, of your Commons House of Parliament in conformity to ancient and most constant usage (the best guide in great solemnities) according to their well known priviledges (a sure warrant for their proceedings) and in obedience to your Majesties most gratious commands (a duty well becomming loyall Subjects) have met together, and chosen a speaker, one to be the mouth, indeed the servant of all the rest to steare watchfully and prudently in all their weighty consultations and debates, to collect faithfully and readily the Votes and genuine sense of that numerous assembly, to propound the same seasonably & in apt questions for their finall resolution, and to present them and their conclusions, their declarations with truth and light, with life and lustre, and with full advantage to your most Excellent Majesty. With what judgement, with what temper, spirit, and elocution he ought to be endued, your Majesty in your great wisedome is best able to discern, both as it may relate to your

your own peculiar and important affairs of State, to the proper work and buſineſſe of this Houſe of Commons, which was never ſmall or mean, and now like to be exceeding weighty.

It is a learned age wherein we live under your Majeſties moſt peacefull government; and your Houſe of Commons is not only the repreſentative body, but the abſtracted quinteſſence of the whol Communalty of this your noble Realme.

I moſt humbly therefore beſeech your Majeſtie as the father of the Commonwealth, and hope of the whole nation, to whom the care of all our welfares appertains, to have reſpect to your own intereſt, have regard to your Houſe of Commons, have compaſſion upon me the unworthieſt member of that body, ready to faint with fear, before the burthen lights on me, I have only a hearty affection to ſerve you and your people, little abilities for performance; In the fulneſſe therefore of your Royall power, your piety, goodneſſe, be gratiouſly pleaſed to command the Houſe of Commons to deliberate upon a better choice who may be worthy of their chooſing, and your Majeſties acceptations.

My Lord Keeper having by his Majeſties direction confirmed him as Speaker, he addreſt himſelfe to his Majeſty as followeth.

Moſt gratious Soveraigne,

My profeſſion hath taught me, that from the higheſt Judge there lies no writ of error, no appeale; what then remains, but that I firſt beſeech Almighty God the author and finiſher of all good works, to enable me to diſcharge honeſtly and effectually ſo great a taske, ſo great a truſt; and in the next place humbly to acknowledge your Majeſties favor? Some enemies I might feare, the common enemy of ſuch ſervices, expectation and jea-

lously; I am unworthy the former, and I contemn the latter. Time the touchstone of truth shall teach the babling world, I am and will be found an equall freeman, zealous to serve my Soveraign, zealous to serve my dearest Country.

Monarchy Royall of all governments the most illustrious and excellent, whether we regard the glory, wealth, or safety of the governours or people; I hope none of this Nation are of Antimonarchicall spirits, nor friends to such, if there be, I wish no greater honour to this Parliament, then to discover them and to assist your Majesty to suppresse and confound them.

To behold your Majesty in peace and safety affords compleat joy to all Loyall Subjects, who cannot but conclude with me in this desire.

Serus in cælum redeas, diúque
Lætus interfis Populo Britanno.

England is your seat of residency, *Scotland* is your native place, and herein hath the advantage; *Ireland* imitates *England* by a great and quick progression in civility and conversation, in improvement of the soile and plantation.

France is still attendant on your Royall stile; A Kings Prerogative is as needfull as great, without which he should want that Majesty which ought to be inseparable from his Crown, nor can any danger result thereby to subjects liberties, so long as both admit the temperament of Law and Justice, specially under such a Prince, who to your immortall Honor hath published this to the whole world for your maxime, that the peoples liberties strengthen the Kings Prerogative, and the Kings Prerogative is to defend the peoples liberties; Apples of gold in pictures of silver.

Kings as Kings are never said to Erre, only the best may be abused by misinformation; this the highest point of Prerogative that the King can doe no wrong; if then

by

by the subtilty of misinformers, by the specious false pretences of publique good by a cunning and close contrivance of their waies to seduce the Sacred Royall Person, it be surprized and overwrought to command contrary to law, and be executed accordingly; these commands will be void, and this King innocent even in his very person, and the authors of such misinformations, the actors of such abuses stand exposed to just censure, having nothing to defend themselves but the colour of a void command, made void by just Prerogative, and the fundamentall reasons of state.

Touching justice, there is not a more certain signe of an upright Judge, then by his patience to be well informed before sentence given, and I may boldly say, all the Judges in your Kingdome may take example by your Majesty and learn their duties by your practise, my selfe have often been a witnesse thereof to my no little admiration.

From your patience, please you give me leave to presse to your righteous judgement, and exemplifie it but in one instance. When your Lords and people in your last Parliament presented your Majesty a Petition concerning their rights and liberties, the Petition being of no small weight, your Majesty after mature deliberation, in few but most effectuall words, (*Soit droict fait come est desire*) made such an answer, as shall renown you for just Judgement to all posterity.

Let us heartily pray that this Parliament may be famous for the advancement of Sacred Religion, and to that end that the most Reverend Prelates, sitting on the right hand of your Kingly side, be most forward therein, to whom it is most proper.

That the Nobles girt with their swords in their creation, and most especially rewarded and honored for actions military: call to minde the most renowned Acts of their Ancestors, whose lands and honours they inherite,

and

and how renowned this Land hath been through the whole World for Art and Armes, and labor to restore it to its ancient splendor: The best way to preserve peace, is to be well fitted for War.

But were this Nation never so valiant or wealthy, if Unity be not among us, what good will riches doe us, or your Majesty, but inrich the conqueror? he that commands all hearts by love, he onely commands assuredly; greatnesse without goodnesse can at best but command bodies.

It shall therefore be my hearty prayer, That such a knot of love may be knit betwixt the Head and members that like *Gordius* knot it never be loosed: That all Jesuited forrain States who look asquint upon our Hierusalem may see themselves defeated of all their subtill plots and combinations, of all their wicked hopes and expectations, to render us, if their mischiefe might take effect, a people inconsiderable at home, and contemptible abroad.

Religion hath taught us (*Si Deus nobiscum, quis contra nos?*) and experience I trust will teach us (*Si sumus inseparabiles sumus insuperabiles.*) It was found, and I hope it still shall and will be the Tenet of the House of Commons; That the King and peoples good cannot be severed: And cursed be every one that goes about to divide them.

Se-

Secretarie *Windebankes* Letter to my Lord Chamberlain, from Callis,

January 11.

MY Lord, I ow my ſelfe to your Lordſhip, for your late favors; and therefore, much more the account of my ſelf, though the debt in either reſpect, be of little conſideration, and the calling of both may be of greater advantage to you, then to continue be Obligation.

This account had been preſented to your Lordſhip, at my firſt arrivall here with my firſt diſpatches, but I was ſo mortified with my hazardous paſſage in an open ſhallop, and ſo perplext with the thoughts to miſeries, into which I finde my ſelfe plunged, and beſides, the departure of the meſſenger that carried thoſe letters, was ſo ſuddaine, that it was not poſſible to perform this dutie to your Lordſhip ſooner; *For the which I do moſt humbly crave pardon:* your Lordſhip may now pleaſe to accept the expreſſions, from the ſaddeſt and moſt wounded ſoule in the whole World, who am a ſpectacle of miſery in my ſelfe, in my diſtreſſed Wife and Children, and in my whole fortunes, who have left the attending of my Soveraigne and Maſter, and acceſſe to the beſt Prince in the world, who am become a ſcorne and by-word to all the world, both at home and abroad, a wanderer, an Exile from mine own Country, now in the declination of my years, and likely to end my dayes, in a remote Country, and far from the comfort of all my friends; *What I am guilty of none knows ſo well as his Majeſty whom*

I have ſerved faithfully, diligently, painfully, and with as true and loyall an heart, according to my poore abilities, as any other whatſoever, and if I found my Conſcience charged with any crime of baſeneſſe, corruption, infidelity, or any thing elſe unworthy of a Gentleman, I ſhould not venture to addreſſe theſe complaints to your Lordſhip, or to any other perſon of Honour, in this diſconſolate eſtate, being an object not altogether unworthy of your Lordſhips compaſſion, be it for no other reſpect, but that I have long ſerved the King and Queens Majeſties, I doubt not but your Lordſhip, in your generoſity and goodneſſe, will have a lively ſenſe and feeling of my ſufferings, and vouchſafe me ſuch reliefe as in your Honour you may; and if my ſelf, who by courſe of Nature cannot be now of long continuance, be not conſiderable, I moſt humbly beſeech your Lordſhip to have pity upon my poore innocent wife, and children, that they receive ſuch comfort and aſſiſtance from you in my abſence, that they may be preſerved from periſhing. And to that end I moſt humbly crave your Lordſhips favour to this Bearer my Sonne, and to give him the honour of acceſſe whenſoever he ſhall make his addreſſes to you, wherein you ſhall doe a worke of ſingular charity; and becauſe there is an opinion in the world, that I have much improved my fortunes by the Romane party; and there hath beene ſome deſigne by my miniſtery to introduce Popery into England, I ſhall moſt humbly crave your Lordſhips patience in giving me leave to clear thoſe two great misunderſtandings, which if they were true, were ſufficient to render me uncapable of his Majeſties favours, or of the compaſſion of any perſon of honour whatſoever: For the firſt, it is notorious to all the world that having now ſerved his Majeſtie in the place of a Secretary above eight years, I have not added one foot of Land to the inheritance left me by my father, which in Land and

Leaſe

Leaſe was not above 500. pounds *per annum*, a poore and inconſiderable eſtate for a Secretary, and ſuch an one as moſt Secretaries have more than trebled in a ſhort time; for my manner of living, it hath been much under the dignity of a Secretary; and if I had not been very frugall, I could not have ſubſiſted; where then this concealed Maſſe of Treaſurie is (I wiſh thoſe that ſpeak ſo liberally of it) would let me know; for I doe proteſt to God I am utterly to ſeek where to diſcover it, and at this preſent, I am ſo unfurniſhed with monies, that if his Majeſtie cauſe me not to be ſupplied, I am unable to ſubſiſt in theſe parts without expoſing my Family in England to the danger of ſtarving, and yet neither my purpoſe nor inclination is to live otherwiſe here, than in the greateſt obſcurity and cloſeneſſe that poſſibly I may. I aſſure your Lordſhip that thoſe of the Roman party that paſſed my hands by his Majeſties commandement; were poore diſtreſſed creatures, and farre from being able to inrich me, and beſides, how little I have attended my own private, and how freely and like a Gentleman, I hope I may ſpeak the truth without oſtenation, I have done curteſies to all, I wiſh it ſhould rather appeare by the teſtimonie of ſuch as have made uſe of my ſervices, then by mine own. My Father and I have ſerved the Crown of England neare 80. years together, in which time, if a greater eſtate had been raiſed it might well have been juſtified, conſidering the great imployments neer the perſons of Queen *Elizabeth*, King *James*, and his Majeſty that now is, we both have had; and your Lordſhip may believe it (for I avow it upon the faith of a Chriſtian) that it is no more then I have above mentioned, and whether there are not many from leſſe imployments have riſen to be Noblemen, and made their fortunes accordingly, I leave to the world to judge.

For the other ſuſpition of my being a favourer or an advancer of Popery, I proteſt before the Almighty God,

and as I shall answer at the last dreadfull day, that I know no ground for the least suspition thereof, neither am I my selfe, nor is any other to my knowledge guilty of the least thought of any such purpose; For my self I received my Baptisme in the Church of England, and I know nothing in the Church of Rome that can win me from that Church wherein I was made a Christian; I doe therefore hold this Church of England, not onely a true and Orthodox Church, but the most pure, and neer the primitive of any in the Christian world, and this I will be ready to seale with my blood, whensoever there shall be occasion (with this further protestation) that if I did not hold it so, I would not continue in it for any worldly respects whatsoever.

For that which hath passed my hands for favor of that party, it hath been meerly ministeriall, as his Majesty best knows, and I must be bold to say that his Majesty hath not been deceived by it, but hath received many greater advantages; besides that, if a Secretary of State should not hold intelligence with the party, is absolute to disable him for the service of the State, and that hath been done alwaies more or lesse, and so must alwaies continue, Kings and their Ministers of State, have ever had, and might ever have a Latitude according to time and occasion, and cannot be so tied according to strictnesse of law as others are, without perill to the government, therefore when the Roman party were practique and busie about the State, there was reason to be more strict, but now by the wisedome of the Queen and her good Officers, they are better tempered, lesse severity hath been used, it being the prerogative of the Prince to use moderation according to accusation: further than this I have not had to doe with the Roman party, nor thus far but in obedience to my Masters commandement, which I hope shall not be censured a crime, this being my condition; I most hum-

humbly ſubmit it to your Lordſhips wiſdome and goodneſſe, and ſeeing there is no malignity in it, nor prejudice to the ſtate, That your Lordſhip would vouchſafe me your favour and protection, and preſerve me from periſhing.

Calis, January 11. 1640.

Your Lordſhips moſt humble and faithfull, though much diſtreſſed ſervant,

Fran. Windebanck.

The Lord *Andevers* ſpeech concerning the pacification, the 6 of March.

My Lords,

I Did lately move your Lordſhips that the breach of the *pacification* might be ſpeedily reviewed, as the *unum neceſſarium*; and truly my opinion at that time is yet nothing altered, although upon better thoughts (me thinks) it would firſt be known who did actually engage us in theſe fruitles diſſentions, and ſo derive the miſchiefe from ſome originall. For *my Lords*, the kingdome cannot now long ſtand at gaze or undergoe new burthens.

Wherefore what is to be done (if you intend it ſhould proſper) muſt preſently receive life from the whole people, otherwiſe we ſhall expire in a dream; and when the ſucceſſe differs from expectation, it is not enough to

cry, *quod non putaram.* *My Lords*, the wiſeman ſaies, there is a proper ſeaſon for all things under the Sun, and we often finde the experiment in naturall bodies, which are voluntarily weakned, to recover ſtrength, yet with a reſtriction to ſuch bounds, and limits, as the Phyſitian preſcribes himſelf; and truly, I think it is your Lordſhips caſe at this point, either to conſider what ſhould further be done then is already, or elſe how to get out of thoſe labyrinths we now are in, leſt the words of the *Pſalmiſt* come home to our ſelves, *Vendidiſti populum ſinepretio.*

My Lords, I am confident the Houſe of Commons doth throughly ſee, both into the prejudice, and vaſt expence that theſe two armies lay upon the land, and undoubtedly ſo many Gentlemen of worth, as ſit there, will have tender eyes upon the Commonweale. It will therefore become your Lordſhips to ſecond them in your way, and whileſt they apply to publique wounds, the care of this houſe may ſearch the inteſtines, for if they be not cleanſed, it will be but a ſuperficiall Cure, and break out againe.

My Lords, it ſeems the Earle of *Strafford*, and the Archbiſhop of *Cant.* have gone the high waies of iniquity, and every one knows how to trace them, but Mines under ground are moſt conſiderable, which (unleſſe they be likewiſe found out) may at any time ſpring and ſupplant the whole fabrick of all our labours. Let us then examine this fantaſtick warre *ab initio*; leſt, as the Duke of *Burgundy* made a few Sheepskins the cauſe of his quarrel, ſo we ſhall find thoſe ſheets of paper, ſent under the name of a *Liturgy*, and book of *Canons*, were but the *Mopſas* of the ſtory to divert our eyes from the main deſigne.

Therefore my humble motion ſhall be for a ſelected Committee of no great number, who may have power from the Houſe to begin *ab origine mali*, reviſe every mans negotiations, who was either an Actor or Counſel-

ſellor ſince the firſt appearance of thoſe troubles in *Scotland*, and that they may examine the *Scottiſh* Counſell upon ſuch Articles, as the heavy preſſure of this Kingdome ſhall upon common fame adminiſter unto them.

By the Major.

The Order of the Houſe of Commons to the Lord *Major*, for the due obſerving the Sabbath day.

IT is this day ordered by the Houſe of Commons, the Aldermen and Citizens that ſerve for the City of *London*, ſhall intimate to the Lord *Major*, from this Houſe, that the Statutes, for the due obſerving of the Sabbath be put in execution. And it is further ordered that the like intimation from this Houſe be made to the Juſtices of Peace in all the Counties of *England* and *Wales*. And the Knights of the Shire of the ſeverall Counties, are to take care that the Copies of this Order be accordingly ſent to the Juſtices of Peace in the ſeverall *Counties*.

FOaſmuch as the Lords Day, commonly called Sunday is of late much broken and prophaned by a diſorderly ſort of People in frequenting Taverns, Ale-houſes, and the like, and putting to ſale victuall and other things, and exerciſing unlawfull games and paſtimes, to the great diſhonor of God, and reproach of Religion, whereof

whereof the Houſe of Commons now aſſembled hath been pleaſed to take notice, and by their order, intimation hath been given unto me, that the Statutes for the due obſerving of the Sabbath be put in execution. Theſe are therefore in his Majeſties name to will and require you forthwith, upon the ſight hereof, that you give ſtrict charge and command unto all and every the Churchwardens and Conſtables within your Ward, that from henceforth they doe not permit or ſuffer any perſon or perſons, in the time of divine ſervice or at any other time upon the Sunday, to be drinking or playing in any Tavern, Inne, Tobacco-ſhop, Ale-houſe or other victualling houſe whatſoever, nor ſuffer any Fruiterer, Milkwoman, or Hearbwomen to ſtand with fruit, milk, herbs, or any other Victuall or Wares, in any the ſtreets, lanes, or allies within your ward, or any other wayes to put thoſe things or any other to ſale upon the Sunday at any time of the day or in the evening, not to permit or ſuffer any Perſon or Perſons to uſe or exerciſe upon that day any unlawfull exerciſes and Paſtimes within your ward, and that expreſſe charge be given to every keeper of any Tavern, Inne, Cookshouſe, Tobacco-houſe, Alehouſe, or any other tipler or victualler whatſoever within your ward, that hereafter they receive not or ſuffer to remain any perſon or perſons whatſoever as their gueſts or cuſtomers to tiple, eate, drinke, or take Tobacco in their houſes upon any Sunday, other then that Inholders may receive their ordinary gueſts, or Travellers and ſuch like, who come to remain for a time in their Inne for diſpatch of their neceſſary buſineſſe. And if any perſon or perſons ſhall be found offending in the premiſſes, that then they be brought before me the Lord *Major*, or ſome other of his Majeſties Juſtices of Peace, to the end they may receive ſuch puniſhment as to juſtice ſhall appertaine. And hereof not to faile, as you will anſwer the contrary at your perill.

This thirteenth of *Aprill*. 1641.

Occasionall Speeches, made in the Houſe of Commons, this Parliament. 1641.

Concerning Religion. Novemb. 12. 1640.

Mr. SPEAKER,

IT was well obſerved by my Lord Keeper, that a multiplying Glaſſe may deceive; but the right Engliſh Glaſſe of the Common-wealth, never. In which I diſcern ſo comely and active a Motion, that out of all queſtion, ſome great work is here to be done, ſome thing extraordinary is here to be decreed; or elſe God and the King beyond all our expectations, at the laſt breath, would never ſo ſoon have cemented us again, to meet in in this great Councell.

Mr. *Speaker*, What an happy ſight will it be to ſee the King and his People accord? A threefold cord is not eaſily broken; and I hope King *Charles* his threefold Kingdomes ſhall never be ſo divided, as to breake in peeces.

Mr. *Speaker*, God knows, the diviſions of great Brittain have halfe untwiſted our long Union; and I feare that God is angry with our Nationall lukewarme temper: The zeale of his houſe hath not kindled that flame

in our hearts; which our seeming good actions, have blown abroad; much like the walking of a Ghost, or liveleſſe body which affrights many, but pleaſeth no beholder. *Omnia honeſta opera, voluntas inchoat*; It is the heart or will which gives the beginning to every good action; and I hope our conſtant reſolutions will be to ſettle religion in his ſplendor and purity, by pulling *Dagon* from the Altar; and whipping the Buyers and Sellers out of the Temple; *Pars prima bonitatis eſt velle fieri bonum.* The firſt part of goodneſſe is to have the will of being good.

God knows all our hearts, and takes notice of our inward reſolutions, and for what ends we come hither, if to propagate and advance his glory and Goſpel, bleſſed ſhall this Parliament and Nation be, and then moſt happy we, whoſe God is the Lord, all things ſhall work together for our good. For Mr. *Speaker*, he that turns the hearts of Kings like the rivers of waters, will make the King and his kingdomes all of one mind: Long live King *Charles* the Great, and his numerous Royall Iſſue, to defend the true faith, which will protect and keep him and his, ſafe in his fathers Throne. Never King gave more full content to his people, than his Majeſty now hath done, and I hope never ſubjects came with better hearts and affections to their King and Countrey then we doe: let it then appeare M. *Speaker*, by our outward actions and practiſe, that our inward obedience both of heart and hand, is true, loyall, and currant coyn, not falſe nor counterfeit; for, *Nemo veraciter dicit, volo, qui non facit illud quod poteſt*; no man truly ſaies, I am in will and heart reſolved, unleſſe according to his ability, he endeavor to perform his reſolution, which, to ſpeak the hearts of us all in this renowned Senate, I am confident, is fully fixed upon the true reformation of all diſorders & innovations in Church or religion, and upon the well uniting, and cloſe rejoynting

of

of the now dis-located great Brittaine: For let me tell you Mr. *Speaker*, that, God be thanked, it is but out of joynt, and may be yet well set, by the skilfull Chirurgions of this Honorable House, to whose loving and Christian care, and to whose tender and upright hands I leave it, onely with this Aviso, let brotherly love continue, and be constant and of good courage; for the keeper of *Israel*, who neither slumbers nor sleeps, who delivered us from *Romes November* powder-blast, will no doubt still preserve his Annoynted our gracious King, and us his loyall Subjects from all dangers of fire, or sword; For, *Si Deus nobiscum, quis contra nos?*

Upon the Scotch Treaty.

January 21. 1640.

Mr. Speaker,

THere is no malady more destructive to the naturall, or politick body, than the *mal Caduque*, or falling sickneſſe, nor is there any Physitian or compound more to be esteemed than that which can cure it in either. M. *Speaker*, this unknown remedy, if we be wise to apply it, and take the receipt with all the ingredients, without any scruple of distast; I am confident the recovery will be perfect, and the whole body of great Britaine safe and sound. Mr. *Speaker*, the happy Union of *Scotland* and *England*, hath thus long ever since flourished in interchangeable blessings of plenty, and mutuall love and friendship. But of late by what fatall disasters, and dark underminings we are divided, and severed into

Scotish and English Armies; let their well composed preambles speake for mee, which I wish were printed as an excellent embleme of brotherly love, that discovers who hath wounded us both, and how each should strive to help the other in distresse, seeing their and our Religion and Lawes lie both at stake together. Thinke of it what you will, (Noble Senate) their subsistence is ours, we live or die, rise or fall together. Let us then finde out the *Boutefaux* of this Prelaticall warr, and make them to pay the shot for their labour, who no doubt, long for nothing more than that we should breake with them, who worship but one God, and serve but one Master with us: Nor need we feare that they intend to dispossesse the English of their inheritance or freehold, being ready to withdraw their forces upon reasonable terms, referring their demands of reparation for losses, to the justice and courtesie of this House, which I assure my self will give both a bountifull, cheerfull, and speedy supply in this case of necessity; for, *Bis dat, qui citò dat*, is the best motto, or motion at this time.

Upon the Impeachment of the Lord Strafford, and Canterbury, &c. February 26. 1640.

Mr. *Speaker.*

I Take it we have now sate in this great Councell 15. or 16. weeks, a longer time than any Parliament hath done these many yeers; God hath given us a faire and blessed opportunity, if we lay hold of it; and call to minde

minde the beſt Motto for a Parliament, which is, *Non quam diu, ſed quàm benè.*

Mr. *Speaker*, We have had thus long under our Feathers many Eſtriges Egges, which as ſome obſerve are longeſt in hatching, but once hatched, can digeſt Iron; and we have many Irons in the fire, and have hammered ſome upon the anvill of juſtice into nayles; but we have not ſtruck one ſtroak with the right hammer, nor riveted one nayle to the head.

Mr. *Speaker*, God forbid we ſhould be cruell or vindicative to any; but let us take heed we be not ſo to our ſelves, and them that ſent us; if we doe not mend our pace, and ſo run as we may obtaine.

Mr. *Speaker*, I hope we ſhall make good the work we have undertaken, and win that prize and goale we aime at; elſe if we faile in this our purſuit of juſtice, it is time to look about us: for then I feare that we our ſelves ſhall hardly ſcape ſcot-free. It will not be our ſixe Subſidies that will help us, unleſſe we be good husbands, and cut off all ſuperfluous charges, disband all needleſſe Armies, and diſ-arme all Papiſts, and baniſh all Prieſts, and Jeſuits; and then we ſhall thrive and proſper.

Provided alwayes that we deny our ſelves, and truſt not too much in the arme of fleſh, but be carefull to preſerve brotherly love and concord, leſt diſcord and faction break, divide, and ruine us: but I hope God will make us all of one minde and one publick ſpirit, that as we are deſcended from that ancient and noble Engliſh quiver, we may prove our ſelves a right ſheafe of Engliſh Arrows well united, well feathered, and ſharply piled for publick uſe, ſtoutly to defend and preſerve the publick good and ſafety of this famous Iland of great Britaine, and that is my humble prayer and motion.

Upon the Straffordian knot.

March 10. 1640.

Mr. *Speaker*,

IN this great and waighty cauſe, we ought ſeriouſly to conſider,

Firſt, what we our ſelves have done already in the accuſation and impeachment of this great Earle, of high Treaſon.

Secondly, let us remember what we now are, not only Parliament men, but publick men, and Engliſh-men.

As Parliament men, let us follow the ſteps of our anceſtours, and be conſtant to that rule of Law which was their guide, and ſhould be ours.

As publick men, forget not whom we here repreſent, and by how many choſen and truſted.

As Engliſh men let us call to minde the undanted ſpirits, & ſtout hearts of thoſe ancient Heroes, from whom we are deſcended, how free they were from Puſillanimity, and how they ſcorned all Flattery, and Slavery; let us then now or never, Mr. *Speaker*, ſhew the ſame blood runs in our veines.

Thirdly, let us be well adviſed what to doe, if in caſe we ſhall be denied juſtice in this particular, upon which depends not only the happineſſe, but the ſafety of this Parliament, of this Kingdome, of our ſelves, and of our Poſterities: and this is my *Aviſo*.

Upon the same Subject.

Aprill 9. 1641.

Mr. *Speaker*,

TRuth is the daughter of time, and experience the best Schoolmaster, who hath long since taught many men and estates the sad and woefull effects of an half-done worke; those convulsions and renting paines, which the body of great Britain now feels, shews us that the ill humours and obstructions are not yet fully purged, nor dissolved.

Mr. *Speaker*, God will have a through work done; if in stead of redressing evils, we think to transact all, by removing of persons, and not things, well may we hush our troubles for a season, but they will returne with a greater violence.

For believe it, Mr. *Speaker* (let us flatter our selves as we please) a dim sighted eye may see, that although we thinke we have now passed the equinoctiall of the *Straffordian* line, and seem to have gone beyond *Canterbury*; yet their faction and undermining agents (of all Religions) grow daily more and more powerfull; and no doubt doe labour an extirpation of all Parliaments, and men that will not think, say, and swear to their opinions and practice.

Have we not then, Mr. *Speaker*, a wolfe by the eares? is there any way to goe Scot-free, or wolfe-free, but one? then let us take, and not forsake, that old English Parliamentary Road, which is *Via tuta*, and will bring us safely to our journeys end: that is my humble motion.

A seasonable motion for a loyall Covenant

May 3. 1641.

Mr. *Speaker*,

IF ever we intend to perfect and finish the great works we have begun, and come to our journeys end, let us take and follow the right way, which is *Via tuta*; and that is in a word to become holy Pilgrims, not Popish, and to endeavour to be loyall Covenanters with God and the King; first binding our selves by a Parliamentary and Nationall Oath, (not a Straffordian, nor a Prelaticall one) to preserve our Religion entire and pure, without the least compound of Superstition, or Idolatry: next, to defend the defender of the Faith, his Royall person, Crown, and dignity, and maintain our Soveraigne in his glory and splendor, which can never be Eclipsed, if the ballance of justice goe right, and his laws be duly executed.

Thus doing, Mr. *Speaker*, and making Jerusalem our chiefest joy, we shall be a blessed Nation, and a happy People. But if we shall let goe our Christian hold, and lose our Parliament proofe, and old English well-tempered mettle: Let us take heed that our Buckler break not, our Parliaments melt not, and our golden Candlestick be not removed; which let me never live to see, nor *England* to feele the want of: that is my prayer conclude my former motion.

Mr.

Mr. *Hides* Argument before the the Lords in the upper Houſe of Parliament. *April.* 1641.

MY Lords, I am commanded by the Knights, Citizens, and Burgeſſes of the Houſe of Commons to preſent to your Lordſhips a great and crying grievance, which though it be complained of in the preſent preſſures, but by the Northern parts, yet by the Logick and Conſequence of it, it is the grievance of the whole Kingdome. The Court of the Preſidents, and Councell of the North, or as it is more uſually called, the Courts of York, which by the ſpirit and ambition of the Miniſters, truſted there, or by the naturall inclination of Courts to enlarge their own power and juriſdiction, hath ſo prodigiouſly broken down the bankes of the firſt Councell, in which it ran, hath almoſt overwhelmed that Countrey under the Sea of Arbitrary power, and involved the people in a Labyrinth of diſtemper, oppreſſion and poverty.

Your Lordſhips will give me leave not with preſumption to informe your great underſtandings, but that you may know what moved the Houſe of Commons to their reſolutions to remember your Lordſhips of the foundation, and erecting this Court, and of the progreſſe and growth of it.

Your Lordſhips well know, that upon the ſuppreſſion of all religious houſes to ſuch a value in the 27. yeere of *H.* 8. from that time to the thirtieth yeare of that Kings raigne, many (not fewer than ſix Inſurrections)

and Rebellions were made in the Northern parts, under pretence of that quarrell, moſt of thē under the cōmand of ſome eminent perſon of that country, the which being quieted before the end of the 13. year, that great King well knowing his own minde, and what he meant to doe with the great Houſes of Religion; in the year following for prevention of any inconvenience that might enſue to him upon ſuch diſtemper, in the 31. year of his reign granted a Commiſſion to the Biſhop of *Landaffe*, the firſt Preſident, and others for the quiet government of the County of *Yorke*, *Northumberland*, *Cumberland* and *Weſtmoreland*, the Biſhoprick of *Durham*, the County of the Cities of *Yorke*, *Kingſton* upon *Hull*, and *New-Caſtle* upon *Tyne*. But my Lords this Commiſſion was no other then a Commiſſion of *Oyre* and *Terminer*, only it had a clauſe at the end of it, for the hearing of all cauſes reall and perſon, *quando ambæ partes*, *vel altera pars ſit gravata paupertate fuerit*, *quod quomodo vis ſuum ſecundum legem Regni noſtri*, *aliter perſequi non poſſit*, which clauſe how illegall ſoever, for that it is illegall and void in Law, little doubt can be made, yet whether they exerciſe that part of the Commiſſion at all, or ſo ſparingly exerciſed it, that poore people found eaſe and benefit by it, I know not; but at that time I finde no complaint againſt it, till the comming in of King *James* the Commiſſion continued ſtill the ſame, and that in the firſt year of his Reigne to the Lord *Sheffeild* varied no otherwiſe from the former ſame, onely it had reference to Inſtructors which ſhould be ſent, though any new ſent or no is uncertaine, but we can finde none.

In *June*, in the ſeventh yeare of the Reigne of King *James* a new Commiſſion was granted to the ſame man (the Lord *Sheffeild*) very differing from all that went before, it being left out, that they ſhould enquire *per ſacramentum bonorum & legalium hominum*, and to heare and determine *ſecundum leges Angliæ*; Relation being had

only

only to the instructions which were the first instructions, we can finde were sent thither, though I told your Lordships there were some mentions of some In 1. *Jac.* I shall not trouble your Lordships with these Instructions, nor with the other that followed in 14. *Jacobi* to the same man, nor in 16 *Jacobi*, when a new Commission was granted to my Lord *Sunderland*, nor indeed with any till we come to these present Instructions, and Commissions under which that part of the Kingdome groans and languisheth.

My Lord of *Strafford* came to that government in *Decemb.* 4. *Caroli*, and since the Commission hath been three severall times removed, in the fift year in *March*, in the eighth in *Novemb.* in the thirteenth year of his Majesties reigne into that Commission of 8. and 13. a new clause served in for the granting, sequestring, and establishing Possessions according to instructions, crowded in a Masse of new exorbitant and intolerable power, though our complaint be against this Commission it selfe, and against the whole body of those instructions: I shall not mispend your Lordships pretious time in desiring to have the whole read, but shall presume to trouble your Lordships only with five or six of the instructions, that by the vast irregularity of those your Lordships may judge, how insupportable the whole burthen is. I shall not trouble your Lordships with the nineth Instruction, though it be but short, which introduceth that, *miseram servitutem, ubi jus est vagum, & incognitum*, by requiring an obedience to such ordinances, and determinations, as be or shall be made by the Councell Table, or high Commission Court. A grievance my Lords, howsoever *consuetudo & peccantum claritas nobilitaverit hanc culpam*, of so transcendent a nature, that your Lordships noble Justice will provide a remedy for it, with no lesse care, then you would rescue the life and blood of the Common-wealth.

Read the 19. 22, 23, 24. 29. and 30: I will not trouble your Lordships with reading more, there being among them in the whole 58. Instructions, scarce one that is not against, or besides the Law.

Whether His Majesty may caution out a part of his Kingdome to be tryed by Commission, though according to the rules of Law, since the whole Kingdome is under the Laws and government of the Courts established at *Westminster*, and by this reason the severall parts of the kingdome may be deprived of that priviledge, will not be now the question; that his Majesty cannot by Commission erect a new Court of Chancery, or aproceeding according to the rules of the Star-chamber, is most cleare to all who have read *Magna Charta*; which allowed no proceedings, *nisi per legale judicium Parium & per legem terræ*: for our Court of Chancery here by long usage and proscription is grown to be as it were *lex terræ*. But my Lords, the thirtieth Instruction goes further, and erects such an Empire, such a Dominion, as shall be lyable to no contrary.

The Courts of *Westminster*, my Lords, have superintendences over all inferiours Courts to regulate their jurisdictions, if they exceed their limits. As to hold Plea of greater value, or the like in his exercise of Jurisdiction, the Judges are sworn to grant, and send prohibitions, and to stop the granting of these prohibitions, or to neglect them, when they are granted, is the greatest and boldest scorn of the Law, and the Law-makers that can be imagined.

The Kings Courts at *Westminster*, having been alwaies of that awfull and reverent esteem, with inferiour Judges, that the instances of such contempts against them are very rare and exemplary in the punishment.

The Bishop of *Norwich* in Trinity Term, in the twentieth year of *Edward* the third, in *Rot.* 289. in the common-

mon Pleas in *Hilary* Terme 21. in the Kings Bench, was attached for disobeying a Prohibition at the suit of *Stracill*, upon full and solemne dissension of the whole matter, the Court resolved, that the proceedings of the Bishop were *inobedientiam & diminutionem Domini, & potestatis Regiæ authoritatis suæ lesionem & coronæ suæ exhereditationem manifestam, &c.* As the words of the Records are, and therefore adjudged the temporall tyes of the Bishop to be seised into the Kings hand, and great, very great dammages to be paid to Plaintiffes: And whosoever gave directions for these stout Instructions, might have remembred that no longer since then *Michaelmas*, in the seventh year of *Eliz. Rot.* 31. an Attachment was granted against the Archbishop of *Yorke* then President of that Councell, for forbidding the Goaler of *Yorke* to deliver one *Lambert* his Prisoner, who was sent for by a *habeas corpus* from the Kings Bench; and if they would have believed the resolution of all the Judges in *England*, in Trinity Term, in the 6 yeare of King *James*, they would have known how unfit it had been to enlarge that Jurisdiction, since most of their proceedings being of an inferiour nature to what they are now grown, were then declared to be illegall and inconsistent with the liberty of the Subject.

And can such a Court, as this my Lords, deserve to live? what a compendious abridgement hath *Yorke* gotten of all the Courts in *Westminster* Hall? whatsoever fals within the cognizance, or jurisdiction of either Courts here, is compleatly determinable within that one Court at *York*, besides the power it hath with the Ecclesiasticall and high Commission Courts.

What hath the good Northern people done, that they only must be disfranchised of all their priviledges by *Magna Charta*, and the Petition of Right; for to what purpose serve these Statutes, if they may be fined and imprisoned without Law, according to the discretion of the

commissioners? what have they done, that they, and they alone of all the people of this happy Iland must be disinherited of their birth-right, of their Inheritance? For prohibitions, writs of *Habeas Corpus*, writs of errour are the birth-right, the inheritance of the Subjects.

And 'tis here worth your Lordships observation, that to those many prohibitions, which have been granted from above, for till of late, the court of *Yorke* had not the courage to dispose prohibitions, nor indeed till our Courts here, had not the courage to grant them. Twas never known, that Court pleaded the Jurisdiction of their Councell, which without doubt they would have done upon the advantage of many great persons, in whose protection they have alwayes been, had they not known the Law, could not be misinterpreted enough to allow it.

Your Lordships remember the directions I mentioned of *Magna Charta*, that all proceedings shall be *per legale Judicium Parium, & per legem terræ*, now these Jurisdictions tell you, you shall proceed according to your discretion, that is, you shall doe what you please, onely that we may not suspect this discretion will be gentler and kinder to us then the Law, speciall provision is made no fine, no punishment shall be lesse then by the law is appointed, by no means, but as much greater, as your discretion shall think fit; and indeed in this improvement we find, Arbitrary Courts are very pregnant: if the Law require my good behaviour, this discretion makes me close Prisoner, if the Law sets me upon the Pillory, this discretion appoints me to leave my eares there.

But this proceeding according to discretion is no new expression, 'twas in the first Commission I told your Lordships of in the 31. *Hen.* 8. that they should proceed *secundum legem & consuetudinem Regni Angliæ, vel aliter secundum sanas discretiones vestras*, which in the interpretation of the Law, and that is the best interpreta-

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tation, signifies the same thing, to proceed according to discretion, is to proceed according to Law, which is *summa discretio*, but not according to their private conceit or affection: For *talis discretio* (saies the law) *discretionem confundit*: and such a confusion hath this discretion in these Instructions produced, as if discretion were onely removed from rage and fury: no inconvenience, no mischiefe, no disgrace, that the malice, or insolence, or curiosity of these Commissioners had a minde to bring upon that people, but through the latitude and power of this discretion the poore people have felt, this discretion hath been the quicksand which hath swallowed up their property, their liberty: I beseech your Lordships rescue them from this discretion.

Besides, the charge that this Court is to his Majesty, which is neer 1300. l. *per annum*, your Lordships will easily guesse, what an unsupportable burthen the many officers (whose places are of great value) the Atturnies, Clarks, Registers, and above 1000. Sollicitors that attend the Courts, must be to that people (insomuch) that in truth the Country seems to be divided into officers and dependants upon that Court: And the people upon whom these officers of that Court prey and commit rapines, as he said in *Petronius*, *Omnes hic aut captantur, aut captant; aut cadavere quæ laterentur, aut corni quæ laterunt.* Truly my Lords, these vexed worn-people of the North are not sutors to your Lordships, to regulate this Court, or to reform the judges of it, but for extirpating these Judges, and the utter abolishing this Court; they are of *Catoes* minde, who would not submit to *Cæsar* for his life, saying, he would not be beholding to a Tyrant for injustice, for it was injustice in him to take upon him to save a mans life, over whom he had no power.

So these Gentlemen desire not to be beholding to this Court hereafter for injustice. The very adminiſtra-

tion of injuſtice, founded upon ſuch illegall principles being a grievance and oppreſſion to the ſubject.

Firſt upon the whol matter the Houſe of Commons is of opinion, that the Commiſſion and Inſtructions whereby the Preſident and Councell of the North exerciſe a Juriſdiction, is illegall, both in the creation and execution.

Secondly, that it is improficable to his Majeſty, for beſides ſo much, neer thirteen hundred pound taken out of his Majeſties revenues every year, his Majeſty loſeth the great benefit would accrew to him upon writs and upon Fines, upon Out-laws, and other profits, which redound to his Majeſty out of his Court here.

And which I had almoſt forgot to tell your Lordſhips of, that his Majeſty may be ſure to have benefit from that Court notable care is taken, by the fifty three Inſtructions, And if any money remaines over and above all diſburſements, it ſhall be beſtowed in providing Houſhold-ſtuffe, and furniture for the houſe, where the Lord Preſident and Councell uſe to be.

And laſtly, that it is inconvenient and grievous to His Majeſties ſubjects of thoſe parts.

And therefore they are humble Sutors to your Lordſhips, and the houſe of Commons, on this behalfe, that ſince this people doe, and have, in all matters of duty and affection contend with the beſt of His Majeſties ſubjects, that they may not be diſtinguiſhed from them in the manner of His Majeſties Juſtice and protection, ſince this Court originally inſtituted & continued by his Majeſty, for the eaſe and benefit of his ſubjects, is apparently inverted to the burthen and diſcomfort of them, that your Lordſhips will joyn with the Houſe of Commons in beſeeching His Majeſty, that the preſent Commiſſion may be revoked, and no more ſuch granted for the future.

A Speech of Master *John White* Counsellour, concerning Episcopacy.

EPiscopacy as it stands in this kingdom, comprehends in it *in linea recta*, these foure degrees, the Deacon, the Presbyter, the Bishop and the Archbishop, Every Archbishop wades through every of these ordinarily.

Of the first and last we have no *vestigium* in the holy scriptures. This Deacon may Preach and Baptize & help the Presbyter to administer the Lords Supper, but may not consecrate the Elements in the Lords Supper: contrary to the Scriptures, by which Preach and Baptize, is a full Commission for the exercise of all the ministeriall function. *Mat.* 28. 19. Book of ordering of Deacons.

The Deacon mentioned in holy Scripture, is the same in Office with our Church-warden, to looke to the Church goods and the poore, *Acts* 6. 1 *Tim.* 3.

The Presbyter is of all hands acknowledged to be, *Jure Divino*.

The Bishop is considerable in respect of his trayn, and secondly, in respect of himself.

His trayn are these, first the Dean and Chapter (called Prebends, *quia præberent auxilium Episcopo*,) and were originally ordained for his Counsell to advise him in difficulties in Religion, and to advise him in, and consent unto his dispositions of his possessions, *Cok. r.* 3. Dean and Chapter of *Norwiches* case.

Secondly, the Archdeacon is the *oculus Episcopi* to discover and punish offences spirituall and Ecclesiasticall

within his limits, *& manus Episcopi*, to present unto him such as are to be made Deacons and Presbyters, and to induct such as he admits and institutes into Benefices.

Thirdly, his Chancellors, Vicars Generall, Commissaries, Officials, Surrogates, Registers, Promotors, and others belonging to his Cathedrals.

These be all meerly humane, and may be taken away without offence to God or conscience, if there appeare just cause for it.

The Bishop in respect of himselfe is considerable in his Barony and temporalties, and his spiritualties.

Case of tenures 35. a.

The first, is meerly *Ex gratia Regis*, and in this kingdome began 4. of *William* the Conquerour: And by vertue hereof, they have had place in the house of Peers in Parliament. 7. *H.*8. 1846. *Kel.* it is resolved by all the Judges of *England*, that the King may hold his Parliament by himselfe, his temporall Lords and Commons, without any Bishop, for a Bishop hath not any place in Parliament by reason of his spiritualities, but meerly by reason of his Baronry, and accordingly acts of Parliament have been made, 2 *Rich.* 3. *cap.* 3. and at divers other times.

They have usurped the name of Spirituall Lords but of late, and were first called so 16 *Rich.* 2. *c.* 1. in our Statutes.

By his spiritualties, I mean those wherein he is more then a Presbyter, and therein I consider his authority over Presbyters by the Oath of Canonicall Obedience, by which he may command them to collect tenths granted in Convocation, &c. 20 *Hen.* 6. 13. p. 25.

Secondly, his Office which is partly Judiciall, and partly ministeriall; Judiciall, by which he is Judge in his Courts of all matters Ecclesiasticall and spirituall within his Dioceese, *Cok. Rep.* 8. *Trollops. C.* Secondly, he is Judge of the fitnesse of such as are presented unto him to be instituted into Benefices, *Cok. rep.* 5. *Specots, cap.*

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Miniſteriall, and thereby he is to Sacred places Dedicate to Divine Service, *9. H. 6. 17. pag.* 8. Secondly, he is to provide for the officiating of Cures in the avoydance of Churches on neglect of the Patrons, preſenting thereunto. Thirdly, he is to certifie loyall Matrimony, generall baſtardy and excommunication. Fourthly, to execute Judgements given in *quare impedit*, upon the writ *Ad admittendum Clericum*, and other, &c.

Fiftly, to attend upon tryals of life, to report the ſufficiency or inſufficiency of ſuch as demand Clergy. Sixtly, to ordaine Deacons and Presbyters.

All theſe I conceive to be *Jure humano*, given to theſe Biſhops, and may upon cauſe be taken away from them.

Biſhops have been in the Primitive Church, and are Apoſtolicall and from the beginning. *Ob.*

To this I anſwer, firſt, that in the pure primitive times of the Church the Hiſtory whereof is recorded in the Acts and Epiſtles of the Apoſtles, (in which the firſt and beſt patterns of Church government is expreſſed) there is no mention of other Biſhops then the Presbyters, as appeares. *Sol.*

Firſt, the holy Scriptures declare the duties and office of Presbyters and Biſhops to be one & the ſame. The Biſhop is to teach and rule his Church or Congregation 1 *Tim.* 3.2.5. and the Presbyter is to teach and feed his flock, and to overſee, care for, and rule them, 1 *Pet.* 5.2.3.

Secondly, the Presbyters are in holy Scriptures, ſaid to be the Biſhops of the holy Ghoſt, *Acts* 20. 28. *Paul* charges the Presbyters of *Epheſus* to take heed to the flock whereof the Holy Ghoſt had made them Biſhops. And other Biſhops the Holy Ghoſt never made.

Thirdly, *Epheſians* 4. 11. God is ſaid to have given to his Church for the perfecting of the Saints, for the work of the Miniſtery, and for the edifying of the body of Chriſt, Apoſtles, Prophets, Evangeliſts, Paſtors and Teachers; here is an expres enumeration of the officers God

hath given, whereof the first three are extraordinary and ceased: and the last only remains, and is to remain untill we all come to perfection, as it is ver. 13. and this perpetuall Officer is called Pastor, in relation to his flock whom he is to govern in *Spiritualibus*, and Teacher in respect of his duty to feed them with the word of truth, and is the very same with the Presbyter, as appeares above. *Argumentum à divisione est fortissimum.* The Bishop as he is any more then a Presbyter, is none of these, no Officer given by God, and therefore ought not to be in the Church; Christ the King of his Church was faithfull in his House, not only as a servant, as *Moses* was, but as the Son in an excellency and eminency, *Heb.* 3.5. and to his kingly Office it pertains to appoint the Officers he will use for the government of his Church in *spiritualibus*, and it agrees not with his faithfulnesse to neglect or omit the appointment of them, and leave his House, his Church, without such Officers. He is only wise, and therefore best knows what Officers are usefull for his Church, and infinitly loving of his Church, and therefore hath not left her without any Officer fit for her.

Ob. *Titus* in the end of *Pauls* Epistle unto him, is said to be the first Bishop of *Crete*, and *Timothy* in the end of the Epistles unto him, to be the first Bishop of *Ephesus*.

Sol. Those additions are spurious, and no part of the holy Scriptures, and as *Beza* observes, are not in many greek ancient copies to be found, and this is so evident as it is granted by most Divines. 2. And as they be no part of the Scriptures of God, so they be apparently contrary unto them, for by them it appears, that they, namely *Titus* & *Timothy*, were Evangelists, extraordinary officers, associats and fellow-helpers of the Apostles in their generall and Universall function, attendant upon them, and sent by them (as occasion required) from one Church to another, never keeping any fixed residence any where, and if they had been Bishops of any place,

Perk. upon Gal. 6. *finis.*

For Tim. See 1 Cor. 4. 17. & 16. 10. Acts 17. 13. 15 & 19. 22. & 20. 4. 5 1 Thes. 3. 1. 6. Heb. 13. 25. Colos 1. 1. Phil. 1. 1. & 2. 19.

For Titus See 2 Cor. 7. 13 & 8. 6. 16. 23. and 12. 18. Gal 2. 3. 2 Tim. 4 10. Tim. 1. 3. and 3. 12.

Paul

Paul would never have ſuffered, much leſſe forced them to be non-reſidents.

Saint *John Revel.* 12.3. writing to the 7 Churches of *Aſia* directs his ſpeech to the Angel of each Church, and in each of thoſe Churches there were then ſeverall Congregations and Presbyters, therefore the Angel was the Biſhop over them. *Ob.* 2.

To this I anſwer, that as Angel is a name common to all Presbyters who are Chriſts Meſſengers and Ambaſſadors: So it appears to be uſed here by the very context cap. 2. v. 10. Where ſpeaking to the Angel of the Church of *Smyrna*, the holy Ghoſt ſaith, *Feare none of the things thou ſhalt ſuffer, the Devill ſhall caſt ſome of you into priſon, but be thou faithfull, &c.* Angel (being *nomen multitudinis*) is taken in theſe chapters collectively for all the Presbyters (ſome of whom the adverſaries ſhould impriſon,) and not for any one above or before the reſt. The ſame appears in the like manner, ver. 13.23.

Seeing then the Epiſcopacy may be taken away in all, wherein it exceeds the Presbyters office, and that the office of the Presbyter is cleerly *jure divino*; I conceive we are firſt to reſtore the Presbyter to his due, and to him it belongs to teach and feed his flock and to overſee, care for, and rule them in *ſpiritualibus*, *Act.* 20.17. 1 *Tim.* 3. 2.5. 1. *Pet.* 5. 2.3. So ſaith the holy Scripture.

And ſo ſaith our Law alſo. He is to miniſter the Doctrine and the Sacraments, and the diſcipline of Chriſt, as the Lord hath commanded, and as this Realme hath received the ſame according to the commandements of God: See the book of Ordering of Prieſts in the 3. queſtion, And he is called in our Law *Rector Eccleſiæ*, and the words of his inſtitution be, *Te rectorem Eccleſiæ inſtituimus curamque & regimen animarum parochianorum tibi in Domino committimus.*

The Biſhops have taken by uſurpation from the Presbyter divers rights: firſt, contrary to his Ordination

and institution, they will not suffer him to preach in his own Cure without a license.

Secondly, they restrain him from preaching some doctrines, as of predestination and others that overthrow Arminian tenets, when his faithfulness in his Office requires he should keep nothing back, but to shew them all the counsell of God, *Acts* 10. 27. Thirdly, they will not suffer him to intermeddle in the discipline. These usurpations I conceive are to be taken away, and the Presbyter to be left free from them.

This is read to the Presbyter upon his Ordination, and his charge then given him is remarkable See the booke of ordering Priests.

Secondly, for the Episcopacy, I conceive, that first their Baronies and the intermedling of the Clergy in Civill Councels, affaires, and imployments, ought to be taken from them.

First, I conceive such Bar. and intermedling is against the Law of God, Christ refused to intermeddle in dividing inheritances (though more able and fit for it then any Bishop) *Luke* 12. 13. and saith his Kingdome is not of the world, *John* 18. 36. and the Disciple is not above his Master, *Mat.* 10. 24. and *Acts* 6. The Apostles refuse to intermeddle in the Deacon or Churchwardens office, though of all earthly imployments the neereſt to the Church; and the reason they give is remarkable for this purpose, because they were to attend to Prayer and Administration of the word, and therefore not meet for them to attend such secular matters, and 2 *Tim.* 2. 4. The Apostles laies down a rule in this case, that *nemo militans Deo se implicat negotiis hujus seculi*, and upon this ground, even the Popes Canon-laws are against these things, as inconsistent with the ministeriall function. And the due execution of the commission, Goe preach and baptize, is of it selfe burthen and work enough for any man whatsoever his gifts and parts be, and made *Paul* though of a more excellent and able spirit, cry out under the sense of the waight of it, Who is sufficient for these things? 2 *Cor.* 2. 16.

Secondly,

Secondly, it is against the fundamentall Laws of this Land, whereby they that are within holy Orders, that they may the better attend upon, and discharge their duties, are not to be intangled with temporall businesse, and therefore if any such be chosen to any temporall office, the Law hath ordained a writ to discharge them thereof, *Reg.* 187. 6.

Non est consonum quod ille qui saluti animarum & piis operibus continue deservit ad infistendum in secularibus negotiis compellatur. vide the writ.

The King may command the service of men in orders, and then it is to be given him by naturall allegiance.

This rule admits two exceptions and both are in this case: first, except the service from that person be against the Law of God as here it is, and then it is better obey God then man, *in præsentia majoris cessat potestas minoris.*

Secondly, if the service concern the Common-wealth, and the person of whom it is required, be not sufficient for it, nor brought up unto it, the command is against Law, and the service not to be done; if the King grant the Office of the Clarke of the Crown to one not brought up to it, it is void, and the service not to be intermedled withall by him, 9 *Ed.* 4. 56. *Winters* case.

Secondly, that part of the Bishops spirituall office by which he claimeth superiority over Presbyters ought to be taken as I conceive from them as being against the will of God.

The Apostles questioning among themselves which should be the Superior, are sharply reproved by our Saviour for it, and he tels them plainly it shall not be so among them, *Mark* 10. 42. *Luke* 22. 25. and *Diotrophes*, 3 *Joh.* 9. is branded for it, that he sought preheminence in the Church. The mystery of iniquity in the Popish Hierarchy, in the Presbyters exalting themselves, began to work in the purest primitive times, (as we see in *Diotrophes*, and *Peters* caveat, 1 *Pet.* 5. 3.) and never left till it came to the Pope, the highest degree and top thereof; By which it seems to me evident, that to leave the pattern of Church government set down in the word of

2 Thes. 2. 4. 7.

God,

God to follow the examples of after ages upon a false cry of primitive times, is to forsake the pure fountain, and wallow in the muddy and corrupted streams of antichristian ambition.

Thirdly, that part of the spirituall office of the Bishop whereby he is to instruct the people committed to his charge, with the holy Scriptures, as upon the 2 question put unto him at his Consecration, he undertakes to doe, ought (as I conceive) to be reduced to a possibility for him to performe it. It is impossible for him to doe it to a whole Diocesse, therefore he should be limited to some particular Congregation, unto which he might perform this trust, which requires sufficiency, attendance and diligence.

Fourthly, Ordination in the scriptures is ever expressed to be by them in the Church, that had authority and were officers in the Church, as Apostles, Evangelists and after by the Presbytery, 1 *Tim.* 4. 14. 2 *Tim.* 1. 6. And a shadow of this remains in our Law, for the Bishop only is not to lay hands upon the party to be ordained, but the Presbyters there attending are to joyn with the Bishop therein. This I conceive is not fit to be in the hands of any one ordinary officer in the Church, the discerning of the gifts, abilities and faithfulnesse of persons to be ordained Presbyters, requiring great judgement, care, and circumspection. *Plus vident oculi quam oculus.* The like I say of deprivation.

Acts 14.23. Titus 1. 5, 6, 7.

Books of ordering Priests.

Fiftly, Excommunication by the Scriptures ought to be only in case of enormous offences and obstinacy in them, and onely in the Congregation whereof the party to be Excommunicate is a member, 1 *Cor.* 5. 4. Tell the Church cannot be meant of one man, *Mat.* 18. 17. *Diotrophes* is branded for taking upon him alone to cast any out of the Church. This also abused as well as usurped by the Bishop is to be reformed.

Sixtly, Institution and induction are usurped by the Bi-

Bishops upon the fundamentall Laws of this Kingdome, by which the Patron after his Clerk was ordained, did without any more invest him into the Church. See *Selden* of tithes 86. And a relick of this we retain still in Churches that be donatives.

Seventhly, The jurisdiction of tithes, causes matrimoniall, and causes testamentary in the times of the increasing power of the Pope, when the Bishops thereby grew more formidable, were taken from the Civill Magistrate to whom originally they belonged, upon pretence, that the tithes were *Jure divino*, the Churches patrimony and Mariage a Sacrament, and that the disposing the goods of the dead, most properly belonged to him for the good of the soule in Purgatory to redeem it thence, to whom the cure of the Soule appertained in his life time, *vide* 2 *R.* 3. *Testaments* 4. 11 *H.* 7. 12 *B. Plowden* 279. *B. Foxes c. Cok. rep.* 9. 37. *B. Heustoes case. Dames rep.* 97. *B. Lalors c. Selden* of tithes, 415.

Eighthly, The matters which are meerly and only spirituall, (which are properly of Ecclesiasticall cognizance) were anciently by the Lawyers of this Kingdome, heard and determined in the County and hundred Courts by the Sheriffe and the Bishop, and by *Willium* the Conquerour these matters were taken thence and appropriated to the Bishop alone, 2 *R.* 2. *Rotul.* Parliament, num. 12. *Selden* of tithes 412. Book of Martyrs, 154.

And by the Law of God (as I conceive) they ought to be heard & determined by them that have rule in the particular congregations and Churches, *Mat.* 18. 17. 1 *Cor.* 5. which if it were so among us would be a wonderfull ease, and save great charges to the subject.

And where the difficulty of case or greatnesse of the persons whom it may concern, or where the Governors in particular Congregations demean not themselves as they ought, it ought to be referred to a Synod of Presbyters, so many as shall be thought meet, as *Acts* 15. a

question of difficulty arising in the particular Church of *Antioch*, and the dissention growing great about the same, they sent to *Hierusalem*, and there the Apostles and Presbyters convened, debated, concluded, and decreed the matter, and imposed the observation thereof upon *Antioch* and other Churches, ver. 1.2.6. 28. The Apostles would not meddle in the question without the Presbyters, and other Bishops there were none there, nor in the Churches. And *felicius expediuntur negotia commissa pluribus*, in the multitude of Counsellors there is safety, *Proverb.* 11. 14.

And the change of our Laws (in case this House shall see cause for it) will not be so great or difficult as is conceived by some. For ordination, admonition, suspension and deprivation of Presbyters, and the judgement of the fitnesse of persons to be invested into Benefices Ecclesiasticall, and the care of providing for the serving of Cures during the vacancy and avoydance of Churches, and taking of the subscription of Ministers to the Articles of Religion: and the visiting of Hospitals, whose Founders have appointed no visitors, which are now in the Bishop, may be settled in a convention of Presbyters, to be appointed for every hundred, from whom appeale may be had upon every gravamen to a greater Assembly of them, and those Presbyters, or any one of them, may be inabled to give the Oathes of Supremacy and alleageance, where the Bishop is authorised to give the same. And Excommunication may be ordered to be certified by the Parson, Vicar or Stipendary of that Church where the party is excommunicate. And all Churches presentative, may be filled by investure of the Patrons, and all questions concerning them be determined by the same rules of law as Donatives are, And loyall Matrimony be tryed by a Jury where the woman is party to the suit, as now it is where she is not party, so *E.* 3. 15. p. 5. 11. *H.* 4. 4. *B.* 30. and as it is now, where the issue is

13 Eliz. cap. 12. 14 Eliz. cap. 5.

5 Eliz. c. 1. 7 Jac. cap. 6.

Nient

Nient ſa femme, 12. *E.* 3. Briefe 481. 50. *E.* 3. 15. B. 7. *H.* 6. 12. June 35. *H.* 6. 9. P. 10. *Coke* 8. *E.* 4. 12. a *Laton*: And Baſtardy generall & Baſtardy beyond Sea, within the Statute, 25 E. 3. *De natis ultra mare*, may be made tryable by Jury, as now ſpeciall Baſtardy is 11 Aſſ 20. 38. aſſ. 24. 39. *E.* 3. 31. 6. & 7. *Ed.* 6. *Dier.* 79. P. 52. So tithes may be reduced to the Common Law and be ſued for there, as it was ever in the caſe of the King or his Debtor 38. aſſ. 20. *Cok. r.* 5. 16. a *Cawdreis* caſe, and as it is by the Statute of 2 and 3 *E.* 6. cap. 13. And for the Biſhops attendance on tryals of life, it is needleſſe, he being no Judge in it, but the Court, who may appoint any other, or doe it themſelves. And for Sacring of Churches and other dead things, it is fit to be neglected and left off, being a Popiſh vaine ſuperſtition, and without colour of countenance from the word of God, the Leviticall conſecrations being typicall and ſhadows of the good things we enjoy under the Goſpel, *Heb.* 9. 19, &c.

The Biſhop being thus reformed and reduced to a condition and ſtate agreeable to the word of God, the only right rule of reformation:

The Deans, Chapters, Vicars Generall, Chancellors, and the reſt of his Traine, *qua tales* (being *tellaris inutile pondus*) are to be removed and taken away alſo as ſuperfluous and uſeleſſe.

25 Exod. 9. 40. 1 Chron. 28. 11. 19. Ezek. 43. 10. 2 Cor. 4. 6.

We have intruſted the Epiſcopacy theſe foureſcore and two years with the cure of Soules, a truſt of the higheſt concernment, if we conſider the price of Souls. Our Saviour is at a ſtand in it, *What ſhall a man give in recompence for his Soule?* the price of it is beſt ſeen in the price given for it, God and man muſt become a curſe to redeem it.

Mat. 16. 26.

How have they diſcharged this truſt? Survay the Churches throughout the Kingdome, and you ſhall finde neer eight parts of tenne of them filled with Idoll,

idle, or scandalous Ministers, whom the Bishops might have by law refused, if discovered unto them beforehand, and ought to have removed being discovered unto them afterwards. And it hath aboundantly appeared this Parliament upon examinations taken in this House of Commons and the Committees thereof; that when Ministers extreamly scandalous, have been discovered to the Bishops and their Officers, and in the High-commission Court, they have received no further censure then admonition, or to be put to purgation, and so sent home to destroy more Soules, as if they had not done sufficiently in that way before.

But if any godly, learned, and painfull Preacher hath been discovered by them, they have sought out all occasions against such, to thrust them out of the Church, and lay their Congregations waste and desolate, and every trifle, though indifferent in their own account, hath been made use of, and sufficed them for this, yea, they have made occasions and traps to overthrow such worthies without Law and against Law.

And herein they have inherited the vertues of *Diotrephes* their first Predecessor, who would not receive the brethren, and forbad them that would, and cast both out of the Church, 3 *John* 10.

And though some of the Bishops have been and are good men, yet look into their Dioceſſe, and the Churches in their gift, and judge whether they be good Bishops or no, you shall finde them as faulty concerning this great trust as any of the rest. And whether it be not from hence evident, or at least greatly to be suspected, that some curse cleaves to the very Office of Bishops, when good men cannot manage it to any better purpose then the bad, let any man judge.

This Spirituall Monarchy hath two incidents inseparable unto it, first that it is alwayes incroaching and usurping upon other powers, and swallowing them up,

as

as the *series* of all ages abundantly manifests. Secondly, that it is ever inclining and returning to Popery, and the Religion of Antichirst, as hath most cleerly appeared, even in our daies as well as before since the restoring of Religion; I shall for this time instance onely in three places of the Rubrick corrupted by Bishops: In the Rubrick confirmed by act of Parliament, in the beginning of it, It is directed, that prayer shall be in such place of the Church or Chancell, and the Minister shall so turne him, as the people may best heare.

In the Rubrick as it is now Printed, prayer shall be used in the accustomed place, &c. except it shall be otherwise determined by the Ordinary.

Whereby they have introduced the Popish practice of reading Prayers at the upper end of the Chancell at their Altar, where few in the Church can see them, and fewer heare them, and turning their faces to the East, and their backs to the people in reading in the Desk, and colour all with the determination of the Ordinary.

Secondly, in the Letany, there are these words in the book of Common prayer confirmed by the Statutes of 5. and 6. *Ed.* 6. and of 1 *Eliz.* From the tyranny of the Bishop of *Rome*, and all his detestable enormities, good Lord deliver us; and that the Bishops in the latter books have caused to be left out wholly.

Thirdly, in the Rubrick concerning the administration of the Lords Supper, as it stands now altered, an excellent declaration of the reason why kneeling at this Sacrament was left in the reformation, and a renunciation of Transubstantiation, Consubstantiation, adoration of the bread and wine, as abhominable Idolatries, are wholly obliterate and left out, that the use of that gesture there might be rendred the more suspicious and superstitious, and a more clear way might be made, to induce the Popish superstitious innovations, that have been since obtruded upon us, concerning the Table,

Altar, ſupeeminent preſence of God almighty there, cringings, Altar-worſhip and the like. And I conceive alterations were made by the Biſhops, as appeares unto me by the Proclamation they procured to be ſet forth 5. *Martii*, 1. *Jac.* concerning the booke of Common prayer.

And how can things proſper better in the hands of the Epiſcopacy, when Gods bleſſing alone giveth out proſperity, and the Lord diſpoſeth his bleſſing in his owne way only, and not in any other?

And this being no plant planted by God in his Church, how can it be expected it ſhould yeeld us any better fruits then we have received from it?

Againe, (if I be not much deceived) the Epiſcopacy in whatſoever it exceeds the Presbyters office (in which ſenſe only I ſpeak of it) is a branch of the Hierarchy of *Rome*, and of the Antichriſt: and of that conſider what is propheſied *Revel.* 14. 11. They ſhall not have any reſt day nor night, that receive any print of the name of the Beaſt; and examine the former and preſent times, whether the ſame hath not been verified among us, and in all ſuch places where that Hierarchy hath been entertained, whether the moſt troubles and miſeries of the Churches, and in great part alſo of the Common-wealth, have not ſprung from the ſaid Epiſcopacy and the fruites thereof?

Therefore let us proceed to the perfecting of the Reformation of our Church, and to the gathering out of it every ſtone that offends, even whatſoever is not according to God, and the ſtandard of his word, and reduce every thing in the government to the rule, and walke in it in Gods way, which is the ſure way to have his preſence with us, and bleſſing upon us and ours for ever.

It hath ever been a point of higher honour from God, and of greater acceptance and eſteem with him to advance

vance the reformation of his Church and worship; and was & ever will be a reproach from him, and blot upon such as have left any thing not agreeable to his word unreformed, and not taken away: Up then let us be doing, and the Lord will goe before us, and make plain all mountains that may occurre in our way, and give a blessed issue and successe.

2 Cro. 17. 6 & 33. 17. 1 Kings 15. 14. 2 Kings 12. 3. 1 Cron. 28. 16. Zac. 4. 7.



To the honorable Houſes of *Parliament* now aſſembled.

The humble Petition of many of the Inhabitants within his Majeſties County of *Kent*:

Moſt humbly ſhewing,

THat by ſad experience we doe daily finde the Government of the Church of *England*, by *Arch-Biſhops*, *Biſhops*, *Deans* and *Arch-Deacons*, with their *Courts*, *Juriſdictions*, and *Adminiſtrations* by them and their inferiour Officers, to be very dangerous both to *Church* and *Commonwealth*, to be the occaſions of manifold *Grievances* unto his Majeſties Subjects, in their Conſciences, Liberties, and Eſtates, and likely to be fatall unto us in the continuance thereof, the dangerous effects of which Lordly power in them have often appeared in theſe particulars following.

1 They doe (with a hard hand) over-rule all other Miniſters, ſubjecting them to their cruell Authority.

2 They doe ſuſpend and deprive many godly, Religious and painfull Miniſters, upon ſleight, and upon no grounds, whileſt in the mean time few of them preach the Word of God themſelves, and that but ſeldome, but they doe reſtrain the painfull preaching of others, both for Lectures, and for afternoon Sermons on the Sabbath day.

3 They doe countenance, and have of late encouraged *Papist Priests*, and *Arminian* books and persons.

4 They hinder good and godly books, yet they doe license to be published many Popish and Arminian and other dangerous Books and Tenents.

5 They have deformed our Churches with *Popish Pictures*, and seated them with *Romish Altars*.

6 They have of late extolled and commended much the *Church of Rome*, denying the Pope to be Antichrist, affirming the *Church of Rome* to be a true Church in *Fundamentals*.

7 They have practised and enforced antiquated and obsolete *Ceremonies*, *as standing at all Hymns*, and at *Gloria patri*, turning to the East at severall parts of the *Divine Service*, *Bowing at the Altar*, *which they term the place of Gods Residence upon earth*, *the reading of a second Service at the Altar*, *and denying the holy Sacrament of the Eucharist to such as have not come up to the new set rayl before the Altar*.

8 They have made and confirmed new illegall Canons and Constitutions, and framed a most pernitious and desperate Oath, an Oath of covenant and confederacy for their own *Hierarchicall greatnesse*, besides many other very dangerous and pernitious passages in the said Canons.

9 They doe dispense with pluralities of Benefices, they doe both prohibit and grant Marriages, neither of them by the rule of Law or Conscience, but doe prohibit that they may grant, and grant that they may have money.

10 They have procured a licentious liberty for the Lords day, and have prefled the strict observation of the Saints *Holydayes*, and doe punish, suspend and deprive godly Ministers, for not publishing that book for liberty of sports on the Sabbath day.

11 They doe generally abuse the great *Ordinance of Ex-*

Excommunication, making a great gain of it, ſometimes, to the great diſcomfort of many poore ſoules, who for want of money can get no abſolution.

12 They claim their *Office* and *Juriſdiction* to be *jure divino*, and doe exerciſe the ſame contrary to Law in their own names, and under their own Seals.

13 They receive and take upon them temporall Honours, Dignities, Places and Offices in the Common wealth, as if it were lawfull for them to uſe both ſwords.

14 They cognizance in their Courts and elſwhere of matters determinable at the *Common Law*.

15 They put Miniſters upon *Pariſhes* without the *Patrons* and without the peoples conſent.

16 They doe yearly impoſe Oaths upon *Churchwardens*, to the moſt apparent danger of filling the land with perjuries.

17 They doe exerciſe Oaths *Ex Officio* in the Nature of an inquiſition even unto the thoughts of mens.

18 They have apprehended men by *Purſevants* without citation or miſſives firſt ſent, they break up mens houſes and ſtudies, taking away what they pleaſe.

19 They doe aw the Judges of the Land with their greatneſſe to the inhibiting of prohibition, and hindering of *Habeas Corpus* when it is due.

20 They are ſtrongly ſuſpected to be confederated with the Roman party in this Land, and with them to be *Authors*, *Contrivers*, *or Conſenters* to the preſent *Commotions* in the *North*, and the rather becauſe of a Contribution by the Clergy and by the *Papiſts* in the laſt year 1639. and becauſe of an ill-named benevolence offix Subſidies, granted or intended to be granted this yeare 1640. thereby and with theſe monies to ingage (as much as in them lay) the two Nations into blood.

It is therefore our humble and earneſt prayer, that all

this Hierarchicall power may be totally abrogated, if the wisdome of this Honourable House shall finde that it cannot be maintained by Gods word and to his glory.

And your Petitioners shall ever pray, &c.

The Petition of the Citizens of London to both houses of Parliament, wherein is a *Demonstration* of their grievances, together with their desires for Justice to be executed upon the Earle of *Strafford*, and other DELINQUENTS.

To the most Honorable Assembly of the Lords and Commons in this present Parliament.

The humble Petition of divers Citizens of London

SHeweth, that notwithstanding his Majesties gracious Answer to the humble *Petition* of his Loyall Subjects in summoning this Parliament, with the great care, and endeavoured pains, taken by both Houses for the removing the heavy Grievances in Church and Commonwealth, whereof the *Petitioners* have already received some fruit; for which they desire to return their most humble and utmost thanks, yet nevertheless, they are inforced with all Humility to represent to this most Honourable assembly, some of these Obstructions which doe still hinder that freedome and fulnesse of Trade in this *City* they have formerly had, & which consi-de-

ſidering the numerous Multitude thereupon depending, they conceive it not able comfortably to ſubſiſt.

As the unſetled Condition of the Kingdome, even ſince the troubles in *Scotland* hath cauſed both ſtrangers, and alſo of our own, who did furniſh great ſumms of money to Uſe to call it in, and remit much of it by Exchange unto Forraine pars, and ſtands now in Expectation of what the iſſue of things may be.

The ſtopping money in the *Mint*, which till then was accompted the ſafeſt place, and ſureſt ſtaple in theſe parts in the world, ſtill doth hinder the importation of Bullyon, the *Scots* now diſabled to pay ſuch debts as they owe to the *Petitioners* and others in the City, and by reaſon of the oppreſſions exerciſed in *Ireland*, their debts alſo are detained there.

The *Engliſh* Trade by reaſon of our generall diſtractions and fears is ſo much decayed, that Country tradeſmen can not pay their debts in *London* as formerly.

The great ſumms of money unduly taken by his Majeſties Officers and Farmers, for impoſitions upon Merchandize exported and imported, and the want of reliefe in Courts of Juſtice againſt them.

The drawing out from the City great ſumms of money (which is the life and ſpirit of Trade) for his Majeſties ſervice in the North, and being there imployed is not yet returned.

Beſides all which from what ſtrong and ſecret oppoſition the Petitioners know not, they have not received what ſo much time and pains might give and cauſe to hope, but ſtill incendiaries of the Kingdoms and other notorious offenders remain unpuniſhed, the affaires of the Church notwithſtanding many Petitions concerning it and long debate about it remains unſettled, the Papiſts ſtill armed, the Laws againſt them not executed, ſome of the moſt active of them ſtill at Court, Prieſts and Jeſuits not yet baniſhed, the *Iriſh* Popiſh army not yet

disbanded, Courts of Justice not yet reformed, and the Earle of *Strafford* who as now appears hath counselled the plundering of this City, and putting it to fine & ransome, and said *it would never be well till some of the Aldermen were hanged up*, because they would not yeeld to illegall levies of moneys, hath so drawn out and spent his time in his businesse to the very great charge of the whol Kingdome, and his endeavour to obtain yet more; all which makes us fear there may be practices now in hand to hinder the birth of your great endeavours, and that we lie under some more dangerous plot then we can discover.

All which premisses with their fears and distractions growing there-from, and from things of the like nature, the *Petitioners* humbly offer to the most grave consideration of this most honorable assembly, as being the true causes of decay of Trade, discouragement of Tradesmen, and of the great scarcity of monies, with the consequences they labour under.

And do humbly pray that their said grievances may be redressed, the causes of their fears removed, Justice executed upon the said Earle and other incendiaries and offenders, the rather in regard till then, the Petitioners humbly conceive neither Religion nor their lives, liberties or estates can be secured.

And as in duty bound they shall ever pray, &c.

Subscribed to this Petition 20000. *all men of good ranke and quality.*

Sir *John Wrayes* Speech concerning Bishops. 1641.

THE first challenge for Lordly Primacy hath of old been grounded out of the great Charter, by which they

they hold an Episcopall Primacy or Jurisdiction to belong to their state of Prelacy: this is their temporall foundation and main object. Here I demand of them, unto what Church this great Charter was granted, and whether it were not granted unto the Church of GOD in *England*? Let the words of the *Magna Charta* decide this, which are these; *Concessimus Deo pro nobis in perpetuum, quod Ecclesia Anglicana libera sit, habeat omnia Jura sua integra & libertates suas illæsas.* Now by this Charter, if it be rightly interpreted, there is first provision made that honour and worship be yeelded unto God, as truly and indeed belong unto him.

Secondly, that not only such Rights and Liberties as the King and his Progenitors, but also that such as God had endowed the Church of *England* with, which God himself hath given by his Law unto the universall *Church*, and in that which the Kings of *England* by their *Charter* have bequeathed to the particular Church of *England*; and this we doubt not was the cause that moved *Hen.* 8. so effectually and powerfully to bend himselfe against the Popes Supremacy, usurped at that time over the Church of *England*; for, saith the King, we will with hazard of life and losse of our Crown uphold and defend in our Realms whatsoever we shall know to be the will of God.

The Church of God then in *England* not being free, according to the great *Charter*, but in bondage and servitude to the *See* of *Rome*, contrary to the Law of God, the King judged it to stand highly with honour, and his Oath to reform, redresse, and amend the abuses of the same *See*.

If then it might please our gracious Soveraign Lord King *Charles*, that now is, in Imitation of that his noble Progenitor to vouchsafe an abolishment of all Lordly Primacy executed by Archepiscopall and Episcopall authority over the Ministers of *Christ*, his Highnesse

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in ſo doing could no more rightly be charged with the violation of the great *Charter*, then might King *Henry* the eight, with the baniſhment of the Popiſh Supremacy, or then our late Soveraign Lady Q. *Elizabeth* could be juſtly burdened with the breach of her Oath by the Eſtabliſhment of the *Goſpell*. Now if the Kings of *England* by reaſon of their Oath were ſo ſtraitly tied to the words of the great *Charter*, that they might not in any ſort have diſanulled any ſuppoſed Rights or Liberties of the Church uſed and confirmed by the ſaid *Charter* unto the Church, that then was ſuppoſed to be the Church of God in *England*, then belike King *Henry* 8. might be attainted to have gone againſt the great *Charter* and againſt his Oath, when by the overthrow of *Abbeys* and *Monaſteries* he took away the *Rights* and *Liberties* of the *Abbots* & *Priers*, for by expreſſe words of the great *Charter*, *Abbots* and *Priers* had as large and ample a *Patent* for their Rights and Liberties, as our Archbiſhops and Biſhops can at this day challenge for their Primacy.

If then the Rights and Liberties of the one, as being againſt the Law of God, be duely and lawfully taken away, notwithſtanding any matter, clauſe or ſentence contained in the great Charter, the other having but little reaſon by colour of the great *Charter* to ſtand upon their pantofles, and to contend for their painted ſheaves, for this is a Rule and Maxime in Gods laws; that *In omni Juramento ſemper excipitur authoritas majoris.*

Unleſſe then they be able to juſtifie by the holy ſcriptures, that ſuch Rights and Liberties, as they pretend for their ſpirituall Primacy over the Miniſters of Chriſt, be in Deed and Truth inferred unto them by the holy law of God, I ſuppoſe the Kings Highneſſe (as ſucceſſor to *Hen.* 8. and as moſt juſt inheritour of the Crown of *England*) by the words of the great *Charter*, and by his Oath, is bound utterly to aboliſh all Lordly Primacy, as hitherto upheld and defended, partly by ignorance and partly by an unreaſonable and evill Cuſtome.

My Lord DIGBIES Speech in Parliament, 1640.

Master Speaker,

THis happie meeting, is to bemoane and redresse the unhappie State of this Common-wealth. Let me have I beseech you your leave, to give you in a word, a short view of our griefes, then see whence they flow. Our Lawes, our liberties, our lives, and which is the life of all, our Religion; all which have been by the endeavours of so many Ages secured, and made so much our owne, can scarce be called ours. Our Lawes, the only sinews and ligeaments of our estates, which should run in an even streame, are now made to disdaine their bancks, and to overflow and drown their fields, which they should gently redresse our liberties, the very spirit and essence of our weale, which should differ us from slaves, and speake us English-men; are held away by them, that even whiles they take them from us, cannot but confesse they are our proper dues. Are not our lives in danger, when an enemy disguised like a friend provoked, is as it were suffered (because indirectly, and in vaine resisted) to come almost into our bosomes, to rifle some of their goods, others of their loyalty; which perhaps they could not, neither would have touched, might we with united force have resisted. And lastly, which is the soule of all our grievances; our Religion,

which should have beene our Cordiall in all our distempers; like a forced Virgin laments ever, that her pure innocencie is taken from her; and sure all these effects must have their causes.

That we have just, and wise Lawes, we may thanke those good Kings that made them; the settled exposition of just circumscribed Lawes, to binde and defend the Subject. That they are so well framed and usefull, and to containe enough to make a good King and people, be perfect, be safe, and happie.

What do we owe to these grave Councellors, who sate here before us, and that they out-live the malice of some unbounded spirits; we are beholding to them that Reprieved them from ruine, with their lives and fortunes; we call them ours, because we are freely born to them, as to the Ayre we breath in; we claime them, and should possesse them under the Protection of our gracious King, who is their great Patron, and disposes them not inconsiderately, but by the advice of those learned expositors of the Lawes (the Judges) and those whom he trusts to be his great and faithfull Councellors. If those pervert the ground and meaning of the Law, and contract the power of it, or make it speake lowder or softer, as they themselves are tuned for it; the blame should deservedly fall on those mistrusted ministers, who are the base betrayers of his Majesties honor, and his Peoples right; to vindicate which necessitie, hath here assembled you.

Mr. *Speaker*, Is not this offence and malice, as great, who should undermine my Tenour, and surruptiously deprive me of my evidence by which I held my Inheritance, as he who by violence should wrest it from me. The *Scots* we have heard branded as Traytors, because they have contrary to the law of Nations, and their loyaltie, invaded our Kingdome in Arms; what other title have they merited, who have invaded our Lawes and liberties, the precious evidence by which we should freely enjoy our

selvs,

ſelves, and our eſtates. The firſt, we may reſiſt and drive forth by united force, and it will be called pietie to the King and Countrie; if force be lay'd againſt the other, it will be ſtiled Rebellion.

What now remaines, but that we ſhould uſe the Law; which becauſe it hath beene inverted and turned againſt us, contrary to its owne naturall and plaine diſpoſition, ſhould now right us and it ſelfe againſt our Adverſaries. Surely the Law is not ſo weak and improvident, to take care for others, and never provide for its owne defence againſt thoſe (be they Peeres, or people) that have abuſed it. If we examine the Law well, it will tell us what hath beene the reward of ſuch ambitious men, as have Monopolized and abuſed the Kings Authoritie; what have beene the puniſhment of ſuch as have betrayed the well meaning Subject to the Kings diſpleaſure, and his Princes Councell to his enemies? what doe they deſerve, who have raiſed mountaines of Monopolies, heapes of impoſitions, oceans of grievances? what have been the puniſhment of ſuch as have belied Juſtice, and their conſcience, and have made truth and honeſty out of faſhion.

And laſtly, If no penaltie be found for theſe, ſure there is ſome for ſuch as have ſo diſguiſed Religion in fantaſticke dreſſes, that Heaven and earth cannot be but angrie to ſee it; and in their politique pride have beene ſo long moulding a new State, and a new old Church for their owne advantage, till they have by their too much order put all out of frame, and made us objects of pitie, and themſelves of hate. What if for theſe innovations, we innovate an exemplary puniſhment? Theſe are the ground-works of our miſeries; and ſurely, Mr. *Speaker*, there are too many of all theſe ſorts, which like envious clouds, hinders us from the gracious ſhine our Sun intends us; therefore for his greater luſtre, and our more aſſured comfort, let us endeavour to remove theſe inter-

poſers, that he may more freely ſee into his peoples bo-ſomes, and reade in their hearts firme characters of loy-altie and glad obedience, which the practices of theſe la-ter times have endeavoured to obliterate, but in vaine.

I ſhall not dare to borrow one minute of you more; but I ſhall alreadie end, th ugh I have juſt now begun. If we conſider the juſt extent of our grievances, the deep ſearch of which wound I leave to you better abi ities; and I beſeech you think not that I ſigh out theſe complaints, undertaking to inſtruct the grave Councell of this great Aſſembly, my infant advice preſumes not to reach ſo high: It is but to let you ſee how much the ſlighteſt parts of this abuſed Common-weal th, is not only made ſenſible of our wrongs, but what we feele is farre exceeded by the numberleſſe number of our juſt feares, which ſhould have before this time utterly diſtracted us, had not our great Phiſition now at length applied his ſoveraigne re-medie, to keep up our fainting hopes, by which we muſt either ſtand, or fall.

Maſter *Pyms* Speech in PARLIAMENT. 1640.

THe diſtempers of this Kingdome are well knowne, they need not repetition. For though we have good Lawes, yet they want their execution; or if they are ex-ecuted, it is in a wrong ſence. I ſhall endeavour to apply a remedie to the breaches that are made, and to that end, I ſhall diſcover firſt the qualitie of the diſeaſe.

Firſt,

First, There is a designe to alter Law and Religion: the parties that effect this, are Papists, who are obliged by a maxime in their doctrine, that they are not onely bound to maintaine their Religion, but also to extirpate all others.

The second is their Hierarchie which cannot amount to the height they ayme at, without a breach of our Law. To which their Religion necessarily ioynes, that if the one stands, the other must fall.

Thirdly, Agents and Pensioners to forraigne States, who see we cannot comply to them, if we maintaine our Religion established, which is contrary to theirs, here they intend chiefly the Spanish white gold works which are of most effect.

Fourthly, Favorites, such as for promotion prize not conscience, and such are our Judges spirituall, and temporall; such are also some of our Councellors of State. All these, though severed, yet in their contrivements they ayme at one end, and to this they walke on four feet.

First, discountenancing of Preachers, and vertuous men, they persecute under the law of purity.

Secondly, Countenancing of Preachers of contrary dispositions.

Thirdly, The negotiating with the faction of *Rome* by Preaching, and to instructions to Preach of the absolute Monarchie of Kings.

Here follow severall Heads.

First, The politicall interpretation of the Law to serve their turnes, and thus to impose taxes with a colour of Law; a Judge sayd it when a *habeas corpus* was payd for.

Secondly, By keeping the King in continuall want, that he may seeke to their counsells for reliefe; to this purpose, to keepe the Parliaments in distaste, that their counsells may be taken. The King by them is brought to

this, as a woman that used her selfe to poyson could not live with good meate. Search the Chronicles, and we see no King that ever used Parliaments, was brought to this want.

Thirdly, Arbitrary proceedings in Courts of Justice; we have all Law left to the conscience of a single man. All Courts are now Courts of conscience, without conscience.

Fourthly, Plotters to inforce a war between *Scotland*, and us; that when we had well wearied one another, we might be both brought to what scorn they pleased; The pertition wall is only unity.

Fiftly, The suddaine dissolving of Parliaments, and punishing of Parliament men, all to affright us from speaking what we thinke. One was committed for not delivering up the Petitions of the House; then a declaration which slandered our Proceedings, as full of lyes, as leaves, who would have the first ground to be our example. And Papists are under appearance to the King his best Subjects, for they contibute money to the War, which the Protestants will not do.

Sixthly, Another is Military, by getting places of importance into the Papists hands, as who are Commanders in the last Armie but they? none more strong in Armes, then they, to whom their Armour is delivered contrary to the Statute. Their endeavour is to bring in strangers to be Billited upon us; we have had no accompt of the Spanish Navie, and now our fear is from *Ireland*.

Lastly, The next is Papisticall that proceeds of Agents here in *London*, by whose desires many Monasteries and Nunneries here in *London* were erected.

Sir

Sir *Thomas Baringtons* Speech in Parliament, 1640.

My Lords,

WE have of late entred into consideration of the Petition of Right, and the relation of it; and upon good reason, for it concernes our goods, liberties and lives. But there is a Right of higher nature, that preserved for us farre greater things, eternall life, our soules, yea, our God himselfe; a Religion derived to us from the King of Kings, conferred to us by the Kings of this Kingdome, enacted by Lawes in this place, treading downe to us in the bloud of the Martyrs, and witnessed from Heaven by miracles, even miraculous deliverances. And this Right in the name of this Nation, I this day require, and claime, that there may be a deepe and serious consideration of the relations of it.

I desire first, that it may be considered what new paintings are layd on the old face of the Whore of *Babylon*, to make the more lovely, and to draw so many Suitors to her.

I desire that it may be considered, how the Sea of *Rome* doth eate into our Religion, and fret into the banks and walls of it, the Lawes and Statutes of this Realme, especially since these Lawes have beene made in a manner by themselves, even by their owne Treasons and bloudy designes,

desiignes; and since that Poperie is a confused masse of errors, casting downe Kings before Popes, the Precepts of God, before the tradition of men, living, and reasonable men, before dead and senceleſſe stocks and stones.

I desire that we consider the encrease of Arminianisme and errors, that makes the grace of God to lackie it after the will of man, that makes the Sheepe keepe the Shepheard, and make an immortall seed, of a mortall God.

Yea, I desire that we looke into the very belly and bowells of this Trojan horse, to see if there be not in it men readie to open the gates of Romish tyranny, and Spanish Monarchie, for an Arminian is the spaune of a Papist; and if their come the warmth of favour upon him, you shall have him turne into one of those frogs that arise out of the bottomeleſſe pit; and if you marke it well, you shall see an Arminian reach out his hand to a Papist, to a Jesuite, a Jesuite gives one hand to the *Pope*, another to the King of *Spaine*; and therein having kindled a fire in our neighbors Countrey, now they have brought some of it hither, to set on flame this kingdome also.

Let us further search and consider, whether these be not the men that breake in upon the goods and liberties of this Common-wealth, for by these meanes they may make way for the taking away of Religion. It was an old tricke of the Devills, when he meant to take away *Jobs* Religion, he began at his goods; *Lay thy hand on all he hath, and he will curse even to thy face.* Rather they thinke hereby to set a distance betweene Prince and people, or to finde some other way of supply to avoyd or breake Parliaments, that so they may break in upon our Religion, and bring in their errors: but let us doe as *Job* did, he held fast his Religion, and his goods were restored with advantage; and if we hold fast God, and our Religion, these things shall be unto us.

Let

Let us consider the times past, how we flourished in honor and abundance, when Religion flourished amongst us, but when Religion decayed, so the honour and strength of our Nation decayed; when the soul of this Common-wealth is dead, the bodie cannot long over live it. If a man meete a Dogge alone, the Dog is fearefull, but though never so fierce by nature; if that Dog have his Master by him, he will set upon that man from whom he fled before. This shewes, the lower natures being back't with the higher, increase in courage and strength; and certainly, man being back't with omnipotence, is a kinde of omnipotence. Wherefore let it now be the unanimous consent and resolution of us all, to make a vow and Covenant from henceforth, to hold fast on God, and his Religion; and then may we from henceforth expect prosperitie in the Kingdome and Nation to this Covenant.

Let every one of us say, Amen.

The Accusation and Impeachment of Sir *George Ratcliffe* by the Commons in this present Parliament Assembled, Charging him with High-Treason, and other misdemeanours as ensue. 1640.

IMprimis, That he had conspired with the Earle of *Strafford* to bring into *Ireland* an Arbitrary Government, and to subvert the fundementall Lawes, and did joyn with the Earle to bring in an Armie from *Ireland*, to subdue the Subjects of *England*.

Secondly, That he hath joyned with the Earle to use Regall power, and to deprive the Subjects of their liberties, and properties.

Thirdly, That he hath joyned with the Earle to take ——thousand pounds out of the Exchequer in *Ireland*, and bought Tobacco therewith, and converted the same profits to their own uses.

Fourthly, That he had Trayterously confederated with the Earle to countenance Papists, and build Monasteries, to alienate the affections of the *Irish* Subjects from the subjection of *England*.

Fiftly, That he had Traiterously confederated with the Earle, to draw the Subjects of *Scotland* from the King.

Sixthly, That to preserve himselfe and the sayd Earle, he had laboured to subvert the liberties and priviledges of Parliament in *Ireland*,

The

The Charge of the Scottish Commissioners against the Prelate of CANTERBVRY.

NOvations in Religion, which are universally acknowledged to be the maine cause of commotions in Kingdomes and States, and are knowne to be the true cause of our present troubles, were many and great, beside the book of Ordination, and Homilies. 1. Some particular alterations in matters of Religion, pressed upon us without order, and against Law, contrary to the forme established in our Kirk. 2. A new booke of Canons and Constitutions Ecclesiasticall. 3. A Liturgy, or booke of Common-prayer, which did also carry with them many dangerous errors in matters of Doctrine. Of all which we challenge the Prelate of *Canterburie*, as the prime cause on earth.

And first, that this Prelate was the Author and urger of some particular changes, which made great disturbance amongst us, we make manifest. 1. By fourteen letters subscribed, *W. Cant.* in the space of two yeares, to one of our pretended Bishops, *Banuatine*, wherein he often enjoyneth him, and other pretended Bishops, to appeare in the Chappell in their whites, contrary to the custome of our Kirk, and to his promise made to the pretended Bishop of *Edinburgh*, at the Coronation, that none of them after that time, should be pressed to weare

theſe garments; thereby moving him againſt his will to put them on for that time; wherein he directeth him to give order for ſaying the Engliſh Service in the Chappell twice a day, for his neglect ſhewing him, that he was diſappointed of the Biſhopricke of *Edinburgh*, promiſing him uppon the greater care of theſe Novations, advancement to a better Biſhoprick, taxing him for his boldneſſe in Preaching the ſound Doctrine of the reformed Kirks, againſt Maſter *Mitchell*, who had taught the errors of *Arminius* in the point of the extent of the merit of Chriſt, bidding him ſend up a liſt of the names of Councellours and Senators of the Colledge of Juſtice, who did not communicate in the Chappell, in a forme which was not received in our Kirk, commending him when he found him obſequious to theſe his commands; telling him that he had moved the King the ſecond time for the puniſhment of ſuch as had not received in the Chappell: and wherein he upbraided him bitterly, that in his firſt Synod at *Aberdein*, he had only diſputed againſt our cuſtome of *Scotland*, of faſting ſometimes on the Lords day, and preſumptuouſly cenſuring our Kirk, that in this we were oppoſite to Chriſtianity it ſelfe, and that amongſt us there were no Canons at all: More of this ſtuffe may be ſeen in the letters themſelves.

Secondly, by two papers of memoirs and inſtructions from the pretended Biſhop of Saint *Androis*, to the pretended Biſhop of *Roſſe*, comming to this Prelate for ordering the affairs of the Kirk, and Kingdome of *Scotland*; as not only to obtain warrants, to order the Exchequer, the Privy Counſell, the great Commiſſion of Surrenders, the matter of *Balmerino's* proceſſe, as might pleaſe our Prelates; but warrants alſo for fitting of the High-Commiſſion Court once a weeke in *Edinburgh*, and to gaine from the Noblemen, for the benefit of Prelates, and their adherents, the Abbacies of *Kelſo*, *Arbroith*, St. *Androis*, and *Lindors*, and in the ſmalleſt matters to receive his

his commands, as for taking downe Galleries and ſtone-walls in the Kirk of *Edinburgh*, and St. *Androis*, for no other end but to make way for Altars, and adoration towards the Eaſt; which beſide other evills, made no ſmall noiſe and diſturbance amongſt the people, deprived hereby of their ordinary accommodation for publique worſhippe.

The ſecond Novation which troubled our peace, was a booke of Canons, and Conſtitutions Eccleſiaſticall, obtruded upon our Kirk, found by our generall Aſſembly, to be deviſed for eſtabliſhing a tyrannicall power in the perſons of our Prelates, over the worſhip of God, over the conſciences, liberties, and goods of the people; and for aboliſhing the whole Diſcipline and government of our Kirk, by generall and provinciall Aſſemblies, Presbyteries, and Kirk-Seſſions which was ſetled by Law, and in continuall practiſe ſince the time of Reformation; that *Canterbury* was Maſter of this work is manifeſt.

By a booke of Canons ſent to him, written upon the one ſide onely, with the other ſide blanke, for corrections, additions, and putting all in better order at his pleaſure; which accordingly was done, as may appeare by interlinings, marginalls, and filling up of the blanke page, with directions ſent to the Prelates; and that it was done by no other then *Canterbury*, is evident by his Magiſteriall way of preſcribing, and by a new copie of theſe Canons, all written with St. *Androis* owne hand, preciſely to a letter, according to the former caſtigations ſent back for procuring the Kings warrant unto it, which accordingly was obtained; but with an addition of ſome other Canons, and a paper of ſome other corrections. According to which, the book of Canons thus compoſed, was publiſhed in Print, the inſpection of the books, inſtructions, and his letters of joy for the ſucceſſe of the worke, and of others letters of the Prelate of *London*, and the Lord *Sterling*, to the ſame purpoſe; all which

we are readie to exhibite, will put the matter out of all debate.

Besides this generall, there be some things more speciall worthy to be adverted unto, for discovering his spirit. 1. The fourth Canon of Cap. 8. for asmuch as no reformation in Doctrine or Discipline can be made perfect at once in any Church; therefore it shall, and may be lawfull for the Church of *Scotland* at any time to make remonstrance to his M. or his successors, &c. Because this Canon holdeth the doore open to more innovations: He writeth to the Prelate of *Rosse* his privie agent in all this worke of his great gladnesse, that this Canon did *stand behinde the curtaine*, and his great desire that this Canon *may be printed fully, as one that was to be most usefull.* Secondly, the title prefixed to these Canons by our Prelates. Canons agreed upon to *be proponed to the severall Synods of the Kirk of Scotland*; is thus changed by *Canterbury*; Canons and constitutions *Ecclesiasticall, &c.* Ordained to be observed *by the Clergy.* He will not have Canons to come from the authority of Synods, but from the power of Prelates, or from the Kings Prerogative. Thirdly, the formidable Canon, *Cap.* 1. 3. threatning no lesse then excommunication against all such persons whosoever shall open their mouthes against any of these bookes, proceeded not from our Prelates, nor is to be found in the copie sent from them, but is a thunder-bolt forged in *Canterburies* owne fire. 4. Our Prelates in divers places witnesse their dislike of Papists. A Minister shall be deposed if he be found negligent to convert Papists. *Cap.* 18. 15. The adoration of the bread is a superstition to be condemned. *Cap.* 6. 6. They call the absolute necessitie of Baptisme, an error of Popery. *Cap.* 6. 2. But in *Canterburies* Edition, the name of Papists and Poperie is not so much as mentioned. 5. Our Prelates have not the boldnesse to trouble us in their Canons, with Altars, Fonts, Chancells, reading of a long Liturgie before Sermon,

Sermon, &c. But *Canterburie* is punctuall, and peremptory in all these. Although the words of the tenth Canon *cap.*3 be faire, yet the wicked intentions of *Canterburie*, and *Rosse*, may be seen in the point of justification of a sinner before God, by comparing the Canon as it came from our Prelates, and as it was returned from *Canterbury*, and printed, our Prelates say thus: *It is manifest that the superstition of former Ages, hath turned into a great prophanesse, and that people are growne cold for the most part in doing any good, thinking there is no place to good works, because they are excluded from justification. Therefore shall all Ministers, as their Text giveth occasion, urge the necessitie of good works, as they would be saved, and remember that they are* via regni, *the way to the Kingdome of Heaven, though not* causa regnandi, *howbeit they be not the cause of salvation.* Here Rosse giveth his judgement, *That he would have this Canon, simply commanding good workes to be preached, and no mention made what place they have, or have not in justification.* Upon this motion, so agreeable to *Canterburies* minde, the Canon is set downe as it standeth without the distinction of *via regni*, or *causa regnandi*, or any word sounding that way, urging onely the necessitie of good works. 7. By comparing Can. 9. *cap.* 18. as it was sent in writing from our Prelates, and as it is printed at *Canterburies* command, may be also manifest, that he went about to establish auricular confession, and Popish absolution. 8. Our Prelates were not acquainted with Canons, for afflicting of arbitrary penalties: But in *Canterburies* booke, wheresoever there is no penalty expressely set downe, it is provided that it shall be arbitrarie, as the Ordinary shall thinke fittest. By these and many other the like, it is apparant, what tyrannicall power he went about to establish in the hands of our Prelates, over the worship, and the souls and goods of men, overturning from the foundation, the whole order of our Kirk, what seeds of Popery he did sow in our Kirk,

and

and how large an entry he did make for the groſſeſt Novations afterward, which hath been a main cauſe of all their combuſtion.

The third and great Novation was the booke of Common Prayer, adminiſtration of the Sacraments, and other parts of divine Service, brought in without warrant from our Kirk to be univerſally received, as the only form of divine Service, under all higheſt paines both civill and Eccleſiaſticall, which is found by our Nationall Aſſembly; beſides the Popiſh frame and formes in divine worſhip, to containe many Popiſh errors, and ceremonies, and the ſeeds of manifold and groſſe ſuperſtitions and idolatries, and to be repugnant to the Doctrine, Diſcipline, and order of our Reformation, to the confeſſion of faith, conſtitutions of generall Aſſemblies, and Acts of Parliament, eſtabliſhing the true Religion: that this alſo was *Canterburies* worke, we make manifeſt.

By the memoirs, and inſtructions ſent unto him from our Prelates, wherein they gave a ſpeciall account of the diligence they had uſed, to do all which herein they were enjoyned, by the approbation of the Service booke ſent to them; and of all the marginall corrections, wherein it varieth from the Engliſh book, ſhewing their deſire to have ſome few things changed in it, which notwithſtanding was not granted: This we finde written by Saint *Androis* own hand, and ſubſcribed by him, and nine other of our Prelates.

By *Canterburies* owne letters, witneſſes of his joy, when the booke was readie for the Preſſe, of his prayers that God would ſpeed the worke, of the hope to ſee that Service ſet up in *Scotland*, of his diligence to ſend for the Printer, and directing him to prepare a black letter, and to ſend it to his ſervants at *Edinburgh*, for printing this booke. Of his approbation of his proofes ſent from the Preſſe. Of his feare of delay, in bringing the worke ſpeedily to an end, for the great good, (not of that Church,

Church, but) of the Church Of his encouraging *Rosse*, who was entrusted with the Presse, to go on in this peece of service without feare of enemies. All which may be seen in the Autographs, and by letters sent from the Prelate of *London* to *Rosse*, wherein as he rejoyceth at the sight of the *Scottish* Canons; which although they should make some noise at the beginning, yet they would be more for the good of the Kirk, than the Canons of *Edinburgh*, for the good of the Kingdom. So concerning the Leiturgy he sheweth, that *Rosse* had sent to him, to have an explanation from *Canterbury* of some passage of the Service booke, and that the Presse behoved to stand, till the explanation come to *Edinburgh*, which therefore he had in haste obtained from his Grace, and sent the dispatch away by *Canterburies* own conveyance.

But the booke it selfe as it standeth interlined, margined, and patcht up, is much more than all that is expressed in his letter, and the changes and supplements themselves taken from the Masse-booke, and other Romish Ritualls, by which he maketh it to vary from the Booke of *England*, are more pregnant testimonies of his popish spirit, and wicked intentions which he would have put in execution upon us, then can be denied. The large declaration professeth, that all the variation of our booke, from the booke of *England*, that ever the King understood, was in such things as the *Scottish* humour would better comply with, than with that which stood in the *English* Service. These popish innovations therefore have been surreptitiously inserted by him, without the Kings knowledge, and against his purpose. Our *Scottish* Prelates do petition that something may be abated of the *English* ceremonies, as the Crosse in Baptisme, the Ring in Marriage, and some other things. But *Canterbury* will not only have these kept, but a great many more, and worse superadded, which was nothing else, but the adding of fewell to the fire. To expresse and discover all,

would require a whole booke, we ſhall only touch ſome few in the matter of the Communion.

This book inverteth the ordor of the Communion in the book of *England*, as may be ſeen by the numbers, ſetting down the orders of this new Communion, 1.5.2. 6.7.3.4 8.9.10.15. Of the divers ſecret reaſons of this change, we mention one only; in joyning the ſpirituall praiſe and thankſgiving, which is in the book of *England*, pertinently after the Communion, with the prayer of Conſecration before the Communion, and that under the name of memorable or oblation, for no other end, but that the memoriall and ſacrifice of praiſe, mentioned in it, may be underſtood according to the popiſh meaning. *Bellar. de Miſſa, lib. 2. cap. 21.* Not of the ſpirituall ſacrifice, but of the oblation of the body of the Lord.

It ſeemeth to be no great matter, that without warrant of the book of *England*, the Presbter going from the North end of the Tabls, ſhall ſtand during the time of Conſecration, at ſuch a part of the Table, where he may with the more eaſe and decencie uſe both hands; yet being tryed, it importeth much, as that he muſt ſtand with his hinder parts to the people, repreſenting (ſayth *Durand*) that which the Lord ſayd of *Moſes, Thou ſhalt ſee my hinder parts.* He muſt have the uſe of both his hands, not for any thing he hath to do about the bread and wine, for that may be done at the North end of the Table, and be better ſeen of the people; but (as we are taught by the Rationaliſts) that he may be ſtretching forth his arms, to repreſent the extenſion of Chriſt on the Croſſe, and that he may the more conveniently lift up the bread and wine above his head to be ſeen and adored of the people, who in the Rubrick of the generall Confeſſion, a little before, are directed to kneel humbly on their knees, that the Prieſts elevation ſo magnified in the Maſſe, and the peoples adoration may go together; That in this poſture, ſpeaking with a low voyce, and muttering

muttering (for sometimes he is commanded to speak with a lowd voyce, and distinctly) he be not heard by the people; which is no lesse a mocking of God, and his people, then if the words were spoken in an unknown language. As there is no word of all this in the English Service, so doth the booke in King *Ed.* time, give to every Presbyter his liberty of gesture, which yet gave such offence to *Bucer*, (the censurer of the book: and even in *Cassanders* own judgement, a man of great moderation in matters of this kinde) that he calleth them, *Nunquam satis execrandos Missæ gestus*, and would have them to be abhorred, because they confirm to the simple and superstitious *ter impiam & exitialem Missæ fiduciam.*

The corporall presence of Christs body in the Sacrament, is also to be found here: for the words of the Masse-book serving to this purpose, which are sharply censured by *Bucer* in King *Ed.* Leiturgy, and are not to be found in the book of *England*, are taken in here. Almighty God is incalled, that of his Almighty goodnesse he may vouchsafe so to blesse and sanctifie with his Word and Spirit, these gifts of bread and wine, that they may be unto us the body and bloud of Christ.

The change here is made the worke of Gods omnipotencie: the words of the Masse, *ut fiant nobis*, are translated in King *Edwards* booke, *That they may be unto us*, which are againe turned into Latine by *Alesius*, *ut fiant nobis.* On the other part, the expressions of the booke of *England* at the delivery of the Elements of *feeding on Christ by faith*, and of *eating and drinking in remembrance that Christ dyed for thee*, are utterly deleated. Many evidences there be in this part of the Communion, of the bodily presence of Christ, very agreeable to the doctrines taught by his Secretaries, which this paper cannot containe. They teach us that Christ is received in the Sacrament, *Corporaliter*, both *objective* and *subjective.* *Corpus Christi est objectum quod recipitur, & corpus nostrum subjectum quo recipitur.*

The booke of *England* aboliſheth all that may import the oblation of any unbloudy ſacrifice; but here we have beſides the Preparatorie oblation of the Elements, which is neither to be found in the booke of *England* now, nor in King *Edwards* booke of old, the oblation of the body and bloud of Chriſt, which *Bellarmine* calleth. *Sacrificium Laudis, quia Deus per illud magnopere laudatur.* This alſo agreeth well with their late Doctrine. We are ready when it ſhall be judged convenient, and we ſhall be deſired, to diſcover much more matters of this kinde, as grounds layd for *miſſa ſicca*, or the halfe maſſe, the private maſſe without the people, of communicating in one kinde. Of the conſumption by the Prieſt, and conſummation of the Sacrifice, of receiving the Sacrament in the mouth, and not in the hand &c.

Our Supplications were many againſt theſe bookes, but *Canterbury* procured them to be anſwered with terrible Proclamations. We were conſtrained to uſe the remedie of Proteſtation; but for our proteſtations, and other lawfull meanes which we uſed for our deliverance, *Canterbury* procured us to be declared Rebels and Traytors in all the Pariſh Kirks of *England*, when we were ſeeking to preſerve our Religion in peace, againſt theſe devices and Novations, *Canterbury* kindled warre againſt us. In all theſe it is knowne that he was, though not the ſole, yet the principall Agent and Adviſer.

When by the pacification at *Barwick*, both Kingdoms looked for peace and quietneſſe, he ſpared not openly in the hearing of many, often before the King and privately at the Councell-Table, and the privy Jointo to ſpeake of us as Rebels and Traytors, and to ſpeak againſt the pacification as diſhonorable, and meet to be broken. Neither did his malignancie and bitterneſſe ever ſuffer him to reſt till a new warre was entred upon, and all things prepared for our deſtruction.

By him was it that our Covenant approven by Nationall

nall Assemblies, subscribed by his M. Commissioner, and by the Lords of his M. Counsell, and by them commanded to be subscribed by all the Subjects of the Kingdome, as a testimony of our duty to God, and the King, by him was it still called ungodly, damnable, Treasonable; by him were oathes invented, and pressed upon divers of our poore Country-men, upon the pain of imprisonment, and many miseries, which were unwarrantable by Law, and contrary thei Nationall oath.

When our Commissioners did appeare to render the reasons of our demands, he spared not in the presence of the King and Committee, to raile against our Nationall Assembly as not daring to appeare before the World, and Kirks abroad, where himselfe and his actions were able to endure tryall, and against our just and necessary defence, as the most malicious and Treasonable contempt of Monarchill Government that any bygone Age hath heard of: His hand also was at the Warrant for the estraint and imprisonment of our Commissioners, sent from the Parliament, warranted by the King, and seeking the peace of the Kingdomes.

When we had by our Declarations, Remonstrances, and Represen ations manifested the truth of our intentions, and lawfulnesse of our actions, to all the good Subjects of the Kingdome of *England*, when the late Parliament could not be moved to assist, or enter in warre against us, maintaing our Religion, and liberties; *Canterbury* did not onely advise the breaking up of that high and honorable Court, to the great griefe and hazzard of the Kingdome; but (which is without exampl.) did sit still in the Convocation, and make Canons and Constitutions against us, and our just and necessary defence, ordaining under all highest pains, that hereafter the Clergie shall preach foure times in the yeare such doctrine as is contrary not only to our proceedings, but to the doctrine and proceedings of other reform'd Kirks, to the

judgement of all ſound Divines, and politiques, and tending to the utter ſlavery and ruining of all Eſtates and Kingdomes, and to the diſhonor of Kings and Monarchs. And as if this had not been ſufficient, he procured ſix Subſidies to be lifted of the Clergie, under pain of deprivation to all that ſhould refuſe. And which is yet worſe, and above which malice it ſelf cannot aſcend, by his means a prayer is framed, printed, and ſent through all the Paroches of *England*, to be ſayd in all Churches in time of Divine Service, next after the prayer for the Queene and Royall Progeny, againſt our Nation by name of Trayterous Subjects, having caſt of all obedience to our annointed Soveraign, and comming in a rebellious manner to invade *England*, that ſhame may cover our faces, as Enemies to God, and the King.

Whoſoever ſhall impartially examine what hath proceeded from himſelfe, in theſe two books of Canons and Common-prayer, what Doctrine hath been publiſhed and printed theſe years by-paſt in *England*, by his Diſciples and Emiſſaries, what groſſe Poperie in the moſt materiall points we have found, and are readie to ſhew in the poſthume writings, of the Prelate of *Edinburgh*, and *Dumblane*, his own Creatures, his neareſt familiars, and moſt willing inſtruments to advance his counſells, and projects, ſall perceive that his intentions were deep and large againſt all the reformed Kirks, and reformation of Religion, which in his Majeſties Dominions wes panting, and by this time had rendred up the ghoſt, if God had not in a wonderfull way of mercy prevented us: and that if the Pope himſelfe had been in his place, he could not have been more popiſh, nor could he more zealouſly hvae negotiated for *Rome*, againſt the reformed Kirks, to reduce them to the Hereſies in Doctrine, the Superſtitions and Idolatry in worſhip, and the Tyranny in Government which are in that Sea, and for which the reformed Kirks did ſeperate from it, and come forth of *Babel*. From him

him certainly hath issued all this deluge, which almost hath overturned all. We are therefore confident that your Lordships will by your meanes deale effectually with the Parliament, that this great firebrand be presently removed from his Majesties presence, and that he may be put to triall, and put to his deserved censure according to the Lawes of the Kingdome, which shall be service to God, honor to the King and Parliament; terror to the wicked, and comfort to all good men, and to us in speciall; who by his means principally have been put to so many and grievous afflictions, wherein we had perished, if God had not been with us.

We do indeed confesse that the Prelates of *England* have been of very different humors, some of them of a more hot, and others of them, men of a more moderate temper, some of them more, and some of them lesse inclinable to Poperie, yet what knowne truth, and constant experience hath made undeniable, we must at this opportunitie professe, that from the first time of Reformation of the Kirk of *Scotland*, not only after the comming of King *James* of happy memory into *England*, but before the Prelates of *England*, have been by all means uncessantly working the overthrow of our Discipline and Government. And it hath come to passe of late, that the Prelates of *England* having prevailed, and brought us to subjection in the point of government, and finding their long waited for opportunity, and a rare congruity of many spirits and powers, ready to cooperate for their ends, have made a strong assault upon all the externall worship, and Doctrine of our Kirk. By which their doing, they did not ayme to make us conforme to *England*, but to make *Scotland* first (whose weaknesse in resisting they had before experienced, in the Novations of government, and of some points of worship) and thereafter *England* conforme to *Rome*, even in these matters, wherein *England* had seperated from *Rome*, ever since the time of Reformation.

formation. An evill therefore which hath issued, not so much from the personall disposition of the Prelates themselves, as from the innate qualitie and nature of their office and Prelaticall Hierarchy, which did bring forth the Pope in ancient times, and never ceaseth till it bringeth forth popish Doctrine and worshippe, where it is once rooted, and the principles thereof fomented and constantly followed. And from that antipathy and inconsistency of the two formes of Ecclesiasticall Government, which they conceived, and not without cause, that one Island united also under one head and Monarch, wes not able to beare; the one being the same in all the parts and powers, which it wes in the time of Popery, and now is in the *Roman* Church. The other being the forme of Government, received, maintained, and practised by all the Reformed Kirks, wherein by their own testimonies and and confessions, the Kirk of *Scotland* had amongst them no small eminencie. This also we represent to your Lordships most serious consideration, that not only the firebrands may be removed, but that the fire may be provided against, that there be no more combustion after this.

The

THE CHARGE OF THE *SCOTTISH* Commissioners against the Livetenant of *Ireland*.

IN our Declarations we have joyned with *Canterbury* the Lord Lievetenant of *Ireland*, whose malice hath set all his wits and power on work, to devise and do mischiefe against our Kirk and Countrey.

No other cause of his malice can we conceive, but first his pride and supercilious disdain of the Kirk of *Scotland*, which in his opinion declared by his speeches hath not in it almost any thing of a Kirk, although the Reformed Kirks, and many worthy Divines of *England* have given ample testimony to the Reformation of the Kirk of *Scotland*.

Secondly, our open opposition against the dangerous *innovation of Religion intended, and very far promoved in all his Majesties dominions*; of which he hath shewed himselfe in his own way no lesse zealous then *Canterbury* himselfe, as may appeare by his advancing of his Chaplain, *D. Bramble*, not only to the Bishoprick of *Derry*, but also to be *Vicar-generall of Ireland*, *a man prompted*

for exalting of Canterburian Popery, and Arminianisme, that thus himself might have the power of both swords, against all that should maintain the Reformation, by his his bringing of *D. Chappel*, a man of the same spirit, to *University of* Dublin, *for poysoning the fountains, and corrupting the Seminaries of the Kirk.*

And thirdly, when the Primate of *Ireland* did presse a new ratification of the Articles of that Kirk, in Parliament for barring such Novations in Religion, he boldly menaced him with the burning by the hand of the Hang-man, of that Confession, although confirmed in former Parliaments.

When he found that the Reformation begun in *Scotland* did stand in his way, he left no means unassaied to rub disgrace upon us, and our cause. The peeces printed at *Dublin*, *Examen conjurationis Scoticanæ*, The ungirding of the Scottish Armour: the pamphlet bearing the counterfeit name of *Lisimachus Nicanor*; all three so full of calumnies, slanders, and scurrilities against our Countrey, and Reformation, that the Jesuites in their greatest spite, could not have sayd more, yet not only the Authors were countenanced and rewarded by him, but the books must bear his name, as the great Patron both of the work and workman.

When the Nationall Oath and Covenant warranted by our generall Assemblies, was approved by Parliament in the Articles subscribed in the Kings name, by his Maiesties high Commissioner, and by the Lords of privie Counsell, and Commanded to be sworn by his Maj sties Subiects of all ranks; and particular and plenary information was given unto the Lievetenant, by men of such quality as he ought to have believed, of the loyalty of our hears to the King, of the lawfulnesse of our proceedings, and innocency of our Covenant, and whole course, that he could have no excuse: yet his desperate malice made him to bend his craft and cruelty,

cruelty, his fraud and forces againſt us. For firſt, he did craftily call up to *Dublin* ſome of our Country-men both of the Nobility and Gentry, living in *Ireland*, ſhewing them, that the King would conceive and account them as Conſpirers with the *Scots*, in their rebellious courſes, except ſome remedie were provided; and for remedy, ſuggeſting his own wicked invention, to preſent unto him and his own wicked Councell, a petition, which he cauſed to be framed by the Biſhop of *Raphoe*, and was ſeen and corrected by himſelfe, wherin they petitioned to have an oath given them, containing a formall renunciation of the *Scottiſh* Covenant, and a deep aſſurance never ſo much as to proteſt againſt any of his Majeſties commandements whatſoever.

No ſooner was this Oath thus craftily contriv'd, but in all haſte it is ſent to ſuch places of the Kingdome where our Countrey-men had reſidence; and men, women, and all other perſons above the years of ſixteen, conſtrained either preſently to take the Oath, and therby renounce their Nationall Covenant as ſeditious and trayterous, or with violence and cruelty to be haled to the Jayle, fined above the valew of their eſtates, and to be kept cloſe priſoners, and ſo farre as we know, ſome are yet kept in priſon, both men and women of good quality, for not renouncing that Oath which they had taken forty years ſince, in obedience to the King who then lived. A cruelty enſued, which may paralell the perſecutions of the moſt unchriſtian times: for weake women dragged to the Bench to take the Oath, dyed in the place, both mother and Child; hundreds driven to hide themſelves, till in the darkneſſe of the night they might eſcape by Sea into *Scotland*, whither thouſands of them did flye, being forced to leave Corn, Cattell, Houſes, and all they poſſeſſed, to be prey to their perſecuting enemies, the Lievetenants Officers. And ſome indited and declared guilty of high-treaſon, for no

other guiltineſſe but for ſubſcribing our National oath, which was not only impiety and injuſtice in it ſelf, and an utter undoing of his Majeſties Subiects, but was a weakning of the *Scots* Plantation, to the prejudice of that Kingdome, and his Majeſties ſervice, and was a high ſcandall againſt the Kings honour, and intolerable abuſe to his Majeſties truſt and authority: his Majeſties Commiſſion, which was procured by the Lievetenant, bearing no other penalty then a certification of noting the names of the refuſers of the oath.

But by this his reſtleſſe rage and inſatiable cruelty, againſt our Religion and Countrey, cannot be kept within the bounds of *Ireland*.

By this means a Parliament is called, And although by the ſix ſubſidies granted in Parliament not long before, and by the baſe means which himſelf and his Officers did uſe, as is contained in a late Remonſtrance, that Land was extreamly impoveriſhed, yet by his ſpeeches full of oathes and aſſeverations, *That we were Traytors and Rebels, caſting off all Monarchicall Government, &c.* he extorted from them foure new Subſidies, and *indicta cauſa* before we were heard, procured that a Warre was undertaken, and forces ſhould be levied againſt us, as a rebellious Nation, which was alſo intended to be an example and preſident to the Parliament of *England* for granting ſubſidies, and ſending a joynt Armie for our utter ruine.

According to his appointment in Parliament, the Armie was gathered, and brought down to the Coaſt, threatning a daily invaſion of our Countrey, intending to make us a conquered Province, and to deſtroy our Religion, liberties, and Lawes, and thereby laying upon us a neceſſity of vaſt charges, to keep forces on foot on the Weſt coaſt to wait upon his comming.

And as the War was denounced, and forces levied before we were heard. So before the denouncing of the

War,

War, our Ships, and goods on the *Irish* Coast were taken, and the owners cast in prison, and some of them in Irons. Frigats were sent forth to scour our Coasts, which did take some, and burn others of our Barques.

Having thus incited the Kingdome of *Ireland*, and put his forces in order there against us, with all haste he commeth to *England*.

In his parting, at the giving up of the Sword, he openly avowed our utter ruine and desolation, in these or the like words, *If I returne to that honourable Sword, I shall leave of the* Scots *neither root nor branch.*

How soon he commeth to Court, as before he had done very evill offices against our Commissioners, cleering our proceedings before the poynt: So now he useth all means to stir up the King and Parliament against us, and to move them to a present war, according to the precedent, and example of his own making in the Parliament of *Ireland*. And finding that his hopes failed him, and his designes succeeded not that way, in his nimbleness he taketh another course, that the Parliament of *England* may be broken up, and despising their wisedome and authority, not onely with great gladness accepteth, but useth all means that the conduct of the Army in the expedition against *Scotland*, may be put upon him; which accordingly he obtaineth as generall Captain, with power to invade, kill, slay, and save at his discretion, and to make any one, or moe Deputies in his stead, to do, and execute all the power and authorities committed to him.

According to the largeness of his Commission, and Letters Patents of his devising, so were his deportments afterwards; for when the *Scots*, according to their declarations sent before them, were comming in a peaceable way, far from any intention to invade any of his Majesties Subiects, and still to supplicate his Majesty for a setled peace, he gave order to his Officers to fight

with them on the way, that the two Nations once entred in bloud, whatsoever should be the successe, he might escape triall and censure, and his bloudy designs might be put in execution against his Maiesties Subiects of both Kingdomes.

When the Kings Maiesty was again enclined to hearken to our petitions, and to compose our differences in a peaceable way, and the Peers of *England* conveened at *Yorke*, had, as before, in their great wisedome and faithfulnesse given unto his Maiesties Counsels of peace, yet this firebrand still smoaketh; and in that honorable Assembly, taketh upon him to breath out threatnings against us as Traytors, and enemies to Monarchiall government; that we be sent home again in our bloud, and he will whip us out of *England*.

And as these were his speeches in the time of the Treaty appointed by his Maiesty at *Rippon*, that if it had been possible, it might have been broken up. So when a Cessation of Arms was happily agreed upon there, yet he ceaseth not, but still his practises were for war; His under officers can tell who it was that gave them Commission to draw near in Arms beyond the *Teese*, in the time of the Treaty at *Rippon*.

The Governour of *Barwicke*, and *Carlile* can shew, from whom they had their warrants for their Acts of hostility after the cessation was concluded. It may be tryed how it cometh to passe, that the Ports of *Ireland* are yet closed, our Country-men for the oath still kept in prison, traffique interrupted, and no other face of affairs, then if no cessation had been agreed upon.

We therefore desire that your Lordships will represent to the Parliament, that this great incendiary upon these and the like offences, not against particular persons, but against Kingdomes, and Nations, may be put to a tryall, and from their knowne and renowned justice, may have his deserved punishment.

16. *December*, 1640. The

THE SCOTTISH Commissioners Demand concerning the Sixt ARTICLE.

CONcerning our Sixt demand, although it hath often come to passe that these two have been joyned by the bonds of Religion, and nature have suffered themselves to be divided about the things of this World; and although our Adversaries, who no lesse labour the division of the two Kingdomes then we do all seek peace, and follow after it, as our Commmon happinesse, do presume that this will be the partition wall to divide us, and to make us lose all our labours taken about the former demand, wherein by the help of God, by his Maiesties *Princely* goodnesse end Iustice, and your *Lord*ships noble and equall dealing, we have so fully accorded, and to keep us from proviling for a firm and well grounded Peace, by the wisdome and justice of the Parliament of *England*, which is our greatest desire expressed in our last Demand. We are still confident, that as we shall concerning this Article represent nothing but what is true, just, and honorable to both Kingdomes; So will your Lordships hearken to us, and will not suffer your selves, by any slanders or suggestions to be drawn out of that straight and safe way wherein ye have walked since the begi-

ning. It

It is now, we suppose, known to all *England*, especially to both the honorable Houses of Parliament, and by the occasion of this Treaty, more particularly to your Lordships, That our distresses in our Religion and Liberties, were of late more pressing than we were able to bear, That our Complaints and Supplications for redresse, were answered at last with the terrors of an Army; That after a pacification greater preparations were made for war, whereby many Acts of Hostility were done against us, both by Sea and Land; The Kingdome wanted administration of Justice, and we constrained to take Arms for our defence; That we were brought to this extreme and intolerable necessity, either to maintain divers Armies upon our Borders against Invasion from *England* or *Ireland*, still to be deprived of the benefit of all the Courts of Justice, and not onely to maintain so many thousands as were spoyled of their ships and goods, but to want all Commerce by Sea, to the undoing of Merchants, of Saylors, and many other who lived by Fishing, and whose Callings are upholden from hand to mouth by Sea trade: Any one of which evils is able in a short time to bring the most potent Kingdome to Confusion, Ruine, and Desolation, how much more all the three at one time combined to bring the Kingdome of *Scotland* to be no more a Kingdome: Yet all these behoved We either to endure and under no other hope, than of the perfect slavery of our selves, and our posterity, in our souls, Lives, and means; Or to resolve to come into *England*, not to make any Invasion, or with any purpose to fight, except we were forced, God is our Judge, our actions are our witnesses, and *England* doth now acknowledge the truth, against all suspicions to the contrary, and against the impudent lies of our enemies, but for our relief, defence, and preservation which we could finde by no other means, when we had essayed all means, and had

at large expreſſed our pungent, and preſſing neceſſities, to the Kingdome and Parliament of *England*. Since therefore the war on our part (which is no other but our coming into *England* with a Guard) is defenſive, and all men do acknowledge, that in common equity, the defendant ſhould not be ſuffered to periſh in his juſt and neceſſary defence, but that the perſuer, whether by way of Legall proceſſe in the time of Peace, or by way of violence and unjuſt invaſion in the time of war, ought to bear the charges of the defendant. We truſt that your Lordſhips will think that it is not againſt reaſon for us to demand ſome reparation of this kinde, and that the Parliament of *England*, by whoſe wiſedome and juſtice we have expected the redreſſe of our wrongs, will take ſuch courſe, as both may in reaſon give us ſatisfaction, and may in the notable demonſtration of their Juſtice, ſerve moſt for their own honour.

Our earneſtneſſe in following this our Demand, doth not ſo far wrong our fight, and make us ſo undiſcerning, as not to make a difference between the Kingdome and Parliament of *England*, which did neither diſcerne nor ſet forward a Warre againſt us; And that prevalent faction of Prelates and Papiſts who have moved every ſtone againſt us, and uſed all ſorts of means, not onely their Counſells, Subſidies, and Forces, but their Church Canons and Prayers, for our utter ruine; which maketh them obnoxious to our juſt accuſations, and guilty of all the loſſes and wrongs which this time paſt we have ſuſtained: Yet this we deſire your Lordſhips to conſider, That the States of the Kingdome of *Scotland* being aſſembled, did endeavour by their Declarations, Informations, and Remonſtrances, and by the proceedings of their Commiſſioners, to make known unto the Councell, Kingdome, and Parliament of *England*, and to forewarn them of the miſchief intended againſt both Kingdomes, in their Religion and Liberties, by the Prelates and papiſts, to

the end that our Invasion from *England* might have been prevented, if by the prevalency of the faction it had been possible. And therefore we may now with the greater reason and confidence presse our Demand; that your Lordships, the Parliament, the Kingdome, and the King himself, may see us repaired in our losses, at the cost of that faction by whose means we have sustained so much damage; And which, except they repent, we finde sorrow recompenced for our grief, torments for our toyl, and an infinite greater losse for the Temporall losses, they have brought upon a whole Kingdome, which was dwelling by them in peace.

All the devices and doings of our common enemies, were to bear down the truth of Religion, and the just liberties of the Subjects in both Kingdomes. They were confident to bring this about one of two wayes: Either by blocking us up by Sea and Land, to constrain us to admit their will for a law both in Church and *Policy*, and thus to make us a precedent for the like misery in *England*, or by their Invasion of our Kingdome, to compell us furiously, and without order, to break into *England*; That the two Nations once entred into a bloody Warre, they might fish in our troubled waters, and catch their desired prey. But as we declared before our coming: We trusted that God would turn their wisedome into foolishnesse, and bring their devices upon their own pates, by our Intentions and Resolutions to come into *England*, as among our Brethren, in the most peaceable way that could stand with our safety, in respect of our common enemies, to present our petitions for setling our peace, by a *Parliament* in *England*, wherein the intentions and actions, both of our adversaries and ours, might be brought to light; The Kings Maiesty and the Kingdome rightly informed, The Authors and Instruments of our divisions and troubles punished, All the mischiefs of a Nationall and doubtfull warre prevented, and Religion and

and Liberty with greater peace and amity than ever before eſtabliſhed, againſt all the craft and violence of our enemies. This was our Declaration before we ſet our *England*, from which our deportments ſince have not varied. And it hath been the Lords wonderfull doing, by the wiſe counſels, and juſt proceedings of the Parliament, to bring it in a great part to paſſe, and to give us lively hopes of a happy concluſion: And therefore we will never doubt, but that the Parliament in their wiſedom and iuſtice, will provide that a proportionable part of the coſt and charges of a work ſo great and ſo comfortable to both Nations be born by the Delinquents there, that with the better conſcience the good people of *England* may ſit under their own Vines and Fig-trees, refreſhing themſelves, although upon our great pains and hazard, yet not altogether upon our coſt and charges, which we are not able to bear.

The Kingdome of *England* doth know and confeſſe that the innovation of religion and liberties in *Scotland*, were not the principall deſigne of our common enemies, but that both in the intention of the workers, whoſe zeal was hotteſt for ſetling their devices at home: and in the condition of the work, making us whom they conceived to be the weaker for oppoſition to be nothing elſe but a leading caſe for *England*. And that although by the power of God, which is made perfect in weakneſſe, they have found amongſt us greater reſiſtance than they did fear, or either they or our ſelves could have apprehended; Yet as it hath been the will of God that we ſhould endure the heat of the day, ſo in the evening the precious wages of the vindication of religion, liberties, and laws are to be received by both Kingdoms, and will enrich, we hope, to our unſpeakable ioy, the preſent age, and the poſterity with bleſſings that cannot be valued, and with the good people of *England*, eſteem more than treaſures of Gold, and willingly would have purchaſed with many thou-

ſands. We do not plead that conſcience and piety have moved ſome men to ſerve God upon their own coſt, and that juſtice and equity have directed others, where the harveſt hath been common to conſider the pains of labouring, and the charges of the ſowing, yet thus much may we ſay, that had a forraigne enemy, intending to reduce the whole Iſland into Popery, made the firſt aſſault upon her weakneſſe, we nothing doubt but the Kingdome of *England*, from their deſire to preſerve their Religion and liberties, would have found the way to bear with us the expence of our reſiſtance and lawfull defence, how much more being invaded, although not by *England*, yet from *England*, by common enemies, ſeeking the ſame ends, we expect to be helped and relieved.

We will never conceive that it is either the will or the weal and honour of *England*, that we ſhould go from ſo bleſſed a work; after ſo many grievous ſufferings, bearing on our backs the inſupportable burdens of worldly neceſſities and diſtreſſes, return to our Country empty, and exhauſted, in which the people of all ranks, ſexes, and conditions, have ſpent themſelves. The poſſeſſions of every man who devoted himſelf heartily to this cauſe, are burdened, not onely with his own perſonall and particular expence, but with the publike and common charges; of which: if there be no relief, neither can our Kingdom have peace at home, nor any more credit for Commerce abroad: Nor will it be poſſible for us, either to aid and aſſiſt our friends, or to reſiſt and oppoſe the reſtleſſe and working wickedneſſe of our enemies: The beſt ſort will loſe much of the ſweetneſſe of the enjoying of their religion and liberties, and others will run ſuch wayes, and undirect courſes as their deſperate neceſſity will drive them into. We ſhall be but a burthen to our ſelves, a vexation unto others, of whoſe ſtrength we deſire to be a conſiderable part, and a fit ſubject for our enemies to work upon for obtaining their now diſappointed, but never dying deſires.

We

We will not alledge the example of other Kingdomes, where the losses of necessary and just defence had been repaired by the other party, nor will we remember what help we have made, according to our abilities, to other reformed Churches; and what the kingdome of *England* of old and of late hath done to *Germany*, *France*, and *Holland*; nor do we use so many words, that *England* may be burthened, and we eased, or that this should be a matter of our Covetousnesse, and not of their Justice and kindnesse; Justice, in respect of our adversaries, who are the causes of the great misery and necessity to which we have been brought: kindenesse, in the supply of our wants who have been tender of the welfare of *England* as of our own, that by this equality and mutuall respect, both Nations may be supported in such strength and sufficiency, that we may be the more serviceable to his Majesty; and abound in every good work, both towards one another, and for the comfort and relieſe of the reformed Churches beyond the Seas, that we may all blesse God, and that the blessing of God may be upon us all.

The English Peers demand concerning the preceding Articles.

WHether this be a positive demand, or onely an intimation of the charge, thereby to induce the Kingdome of *England* to take your distressed estate into consideration, and to afford you some friendly assistance.

The Scottish Commissioners answer to the demand.

WE would be no lesse willing to bear our losses if we had ability, than we have been ready to undergo the hazard; But because the burden of the whole doth far exceed our strength. We have (as is more fully conceived in our Papers) represented to your Lordships our charges and losses, not intending to demand a totall repairation, but of such a proportionable part, as that we may in some measure bear the remanent, which we conceive your Lordships (having considered our reasons) will

judge to be a matter, not of covetousneſſe, but of the ſaid Juſtice and kindeneſſe of the Kingdome of *England*.

Propoſition of the Peers to proceed to the other Demands during the debate of the Scottiſh loſſes.

THat in the Interim, whilſt the Houſes of Parliament take into conſideration your Demand of loſſes and dammages, you proceed to ſettle the other Articles of the peace and intercourſe betwixt the two Kingdomes.

Anſwer to the Peers Demand.

WE have repreſented our loſſes, and thereby our diſtreſſed condition ingenuouſly, and in the ſingleneſſe of our hearts, with very great moderation, paſſing over many things which to us are great burthens, that there might be no difficulty or cauſe of delay on our part, hoping that the honorable Houſes of Parliament would thereby be moved at their firſt convenience, to take the matter to their conſideration.

We do not demand a totall reparation, nor do we ſpeak of the payment, till we conſult about the ſetling of a ſolid peace, at which time the wayes of lifting and paying the money, may be conſidered; We do onely deſire to know what proportion may be expected. That this being once determined, and all impediments ariſing from our by-paſt troubles, removed, we may with the greater confidence, and more hearty conſent on both ſides, proceed to the eſtabliſhing of a firm and durable peace for time to come.

It is not unknown to your Lordſhips, what deſperate deſires, and miſerable hopes our adverſaries have conceived of a breach upon this Article; And we do foreſee what ſnares to us, and difficulties to your Lordſhips may ariſe upon the poſtponing and laying aſide of this Article to the laſt place.

And therefore that our adverſaries may be out of hope, and

and we out of fear, and that the setling of peace may be the more easie: We are the more earnest, that as the former articles have been, so this may be upon greater reasons considered in its own place and order.

Your Lordships upon the occasion of some motions made heretofore of the transposing of our Demands, do know, that not onely the substance, but the order of the propounding of them, is contained in our instructions. And as we can alter nothing without warrant, the craving whereof will take more time than the Houses of Parliament will bestow upon the consideration of this Article. So are we acquainted with the reasons yet standing in force, which moved the ordering of this Demand. And therefore let us still be earnest with your Lordships, that there be no halting here, where the adversaries did most, and we did least of all, by reason of the justice and kindenesse of the Houses of Parliament expect it.

Resolved on the Question.

THat this House doth conceive, that the summe of three hundreth thousand pounds is a fit proportion for that friendly assistance and relief, formerly thought fit to be given, towards the supply of the losses and necessities of our Brethren of *Scotland*. And that this House will, in due time, take into consideration the manner how, and the time when, the same shall be raised.

Answer of the Scots Commissioners.

WE intreat your Lordships, whose endeavours God hath blessed in this great work, to make known to the Parliament, that we do no lesse desire to shew our thankfulnesse for their friendly assistance and relief, than we have been earnest in demanding the same. But the thankfulnesse which we conceive to be due,

due, doth not consist in our affections or words at this time; but in the mutuall kindenesse, and reall demonstrations to be expected from the whole Kingdome of *Scotland* in all time coming: and that not onely for the measure and proportion, which the Parliament hath conceived to be fit; and which (to begin our thankfulnesse now) we do in name of the whole Kingdome cheerfully accept of, but also for the kinde and Christian manner of granting it unto us, as to their Brethren, which addeth a weight above many thousands, and cannot be compensed but by paying their reciprocal love and duty of Brethren. And for the resolution to consider in due time of the raising of the same for our relief, which also maketh the benefit to be double. This maketh us confident that God (whose working at this time hath been wnoderfull) hath decreed the peace and amity of the two Kingdomes, and will remove all rubs out of the way, that our enemies, will at last despair to divide us, when they see that God hath joyned us in such a fraternity. And that divine providence will plentifully recompence unto the Kingdome of *England*, this their justice and kindenesse, and unto *Scotland* all their losses, which shall not by these and other means amongst our selves be repaired, but by the rich and sweet blessings of the purity and power of the Gospel, attended with the benefits of an unhappy and durable peace under his Majesties long and prosperous raigne, and of his royall posterity to all generations.

FINIS.

CAPTAINE AUDLEY MERVIN'S SPEECH:

Delivered in the upper House to the LORDS, 24. of *May*, 1641.

MY LORDS,



Uch was the well composed Module and Beauty of those Letters of Royall Grace and Favour, which by a select Committee of both Houses were treated upon, that to say, *you may be pleased to remember them*, were an injurie, especially since the Argument of those severall Conferences were all sealed up with this well-warranted opinion, that every word in them ought to be writ in Letters of gold, ingraved in brasse, that present and succeeding times might read them with greedy eyes, speaking in their owne Dialect, the Embleme of a most indulgent Prince, the Characters of Justice and Equity, and the Monument all Records of unparallel'd goodnesse, triumphing in his Majesties breast, as in the Spheare of their proper activity.

The Letter concerning the validity of our Parliament, and the second concerning the Graces, are twins of a Royall birth, joyned in conjugall bonds by His Majesty.

Graces without a valid and effectuall Parliament to confirme them, are but *Statu quo prius*; a Parliament without Graces is not to call idlers, that are piping and dancing in the Market, to work in the vineyard, but to call the labourers out of the vineyard, to pipe and dance in the Market place; or, if you please, almost as ill sutable as a Parliament without Judicature.

These two Letters so wedded, wee have lodged in one sheet, I meane, included in one instrument, which being ready to be presented in its owne Dimensions, I will not now epitomize.

In the third and last Letter, demanding Presidents from the upper House of the Lords for their Judicature, His Majesty speakes harmoniously to us, though in a different key; hee is beautifull, though his brow be not so smoothly limb'd in it as in the former: for, certainly, it is an eminent policy in a Prince, and an evident happiness to government, not to suffer poyson to lodge in his eares, especially such a quick spreading and pestilentiall poyson as would eate out the *Basis* and foundation of Parliaments, and putrefie those nerves and ligatures by which His most Excellent Majesty, and Wee his most loyall Subjects have ever been, are, and (maugre their black and fatall suggestions) shall be hypostatically united.

May it please your Majesty,

Hic niger est, hunc tu, Romane, caveto.

My Lords, I must in the name of the House of Commons intreat your patience, whilst I present unto your Lordships a ruffe-drawn Map of the Jurisdiction of this high Court of Parliament.

I shall imitate a Lands-cape; first, shew it you remote

mote, and in its primitive times, ſcarce diſcernable whether Land, or no Land; whether a Parliament, or no Parliament; then we ſhall ſaile neerer, untill wee come within certaine Cognizance to our owne times, nay, to this preſent houre; and then if wee ſhipwrack in the haven, if having beene befriended in the courſe of our Navigation by our ſailes, wee ſhall ſplit on our own Anchor, I meane, if in the computation of all times wee have had a Parliament unqueſtionable in ſubſtance, in forme, in all neceſſary adjuncts, and now, even now when eclipſed Juſtice, like the Sun impriſoned under a cloud, breaks forth with luſtre, be concluded in defect of Judicature, I ſay the ſtars have had malignant aſpects in this our Horizon.

But firſt (my Lords) ſince in the ſtrict words of the Letter, the houſe of the Lords ſeemes only intereſted, wee may bee thought to make an inrode upon your Priviledges, and to be pragmaticall without preſident, though not without preſumption:

Truely (my Lords) *Anima eſt tota in toto, & tota in qualibet parte.* Judicature is the Soule of this great compacted body, and enjoyes that diffuſive property.

The times were, when both Houſes ſate in one place, and had one Speaker, and ſince the power of Judicature muſt bee founded upon a preparatory Impeachment, and this preparatory Impeachment muſt be framed by the Commons Houſe, wee muſt juſtifie our ſelves not guilty of the title of fooles by the Wiſeman, to lay a foundation and never conſider by what means the ſtructure is to be finiſhed; nay, excuſe our ſelves from that generall remonſtrance of a generall Grievance, Extrajudiciall Proceedings.

Your Lordſhips are under his Majeſty the Chiefe, be pleaſed to admit us Members, though the feet; the health of theſe will much advantage the preſervation of the whole Compound; nay, on the contrary, the

Gout is as mortall and dolorous as the Head-achs

Besides (my Lords) our commenced proceeding against the parties impeached of high Treason, though seasoned with much moderation and temper, are of ripe age, and blush to be kept in long coates, which are now suspended; by which mis-interpreted rumor of our Jurisdiction drawn into question the Commons of this Kingdome openly proclaime, That to bee excessive vicious is to be secure, and that facts of Treason are above the cognisance and punishment of the Acts of Reason, and the Lawes and Statutes of this Kingdome.

So (my Lords) it being out of dispute (and yet desiring not to bee misconstrued that wee would make stakes with you in your owne and proper Judicature) that we are deeply interested in this particular, I shall returne unto my first proposition, and, survey this high Court of Parliament. Parliament, did I say? From what *radix*? *Parler le ment*, the speech of the mind. This must bee attended with judgment and reason; but I thinke wee speake with none of these, if wee cannot maintaine our Jurisdiction: This is its Etymologie, which is warranted by the best Antiquarie of his time, *Vetusto nomine, è Gallia mutato, Parliamentum dicitur.*

This high Court hath not been confined to this individuall appellation, but hath been christned by severall god-fathers.

Majores nostri Anglo-Saxones intitled it, *Prudentum Conventus, Concilium, Magnus Conventus.* Succeeding Historiographers, *Commune Concilium, Curia Altissima, Generale Placitum, Curia magna, Magnatum Conventus, Commune totius regni Concilium, Præsentia Regis, Prælatorum, Procerumq; collectorum.*

But certainly, if they intended these flourishing titles to a Parliament without Judicature, they spoke of their riding to Parliament, not sitting in it.

An

An unhappy Parliament: like the Citie *Myndas*, whose gates were so wide, that the Citie might run out of them.

To allow these to be Synonyma's of Parliament, and to disallow Judicature, were but, Jewish-like, to say, *All haile king of the Jewes*, and in the meane time, *Crucifie him.*

Neither (my Lords) are these up-started Titles, or new-bought Coates of Armes that this high Court blazons. No (my Lords) they are venerable for their Antiquitie, and of most ancient birth and extraction.

Mulmuccius, of some called *Donwallo*, did write two bookes of the Lawes of the *Brittons*, the one called *Statuta Municipalia*, the other *Leges Judiciariæ*, for so the same do signifie in the *Brittish tongue*, wherein hee wrote the same, which is as much to say, as the *Statute Law* and *Common Law*; which bookes were written 441. yeares before the *Incarnation of Christ*, and how should there bee Statute Lawes without a Parliament? King *Alfred* ordained for a perpetuall usage, That twice in the yeare, or oftner if need bee, they should assemble themselves at *London*, to treate in Parliament of the government of the people of God, how they should keep themselves from sinne, should live in quiet, and receive right by holy Lawes and Judgements.

In the *Heptarchy*, Parliaments had their continuance, witnesse the stile of Parliaments in the time of *Ina* King of the *West-Saxons*: *Ego Ina Dei gratia, &c. Congregatione servorum Dei sollicitus de salute animarum vestrarum, & statu regni mei, constitui rectum conjugium & justa judicia pro stabilitate & confirmatione populi mei benigna sedulitate celebrari, & nullo Aldermano, vel alicui de toto regimine nostro liceat conscripta abolere judicia*: So did *Offa* King of the *Mercians*, and *Ethelbert* King of *Kent*.

In the raigne of King *Athelston*, his Acts of Parlia-

ment are ſtiled thus : *Hæc ſunt judicia Exoniæ quæ ſapientes Concilio Ethelſtani Regis inſtituerunt, & iterum apud Frefreſham, & tertia vice apud——ubi hæc definita ſimul, & confirmata ſunt.* Here I finde a Parliament ſummoned, *Concilio Regis*, prorogu'd in thoſe words *Iterum & tertia vice*, the Royall aſſent in the words *Confirmata ſunt*, the diſſolution *Definita ſunt.*

King *Edgar* tells us they are *Inſtituta quæ Edgardus Rex concilio ſapientum, &c.*

King *Etheldred, Hoc eſt Concilium quod Etheldredus Rex & omnes ſapientes, &c.*

King *Edmond* cals it *Conventus Sapientum, Spiritualium & Temporalium.*

The Parliament of King *Canutus* at *Wincheſter* bore this Title : *Hæc ſunt ſtatuta Canuti Regis, Anglorum, Danorum, Norvegarum, venerando ejus ſapientum Concilio, ad laudem & gloriam Dei, & ſui regalitatem, & commune commodum, habita in ſancto natali Domini apud Wintoniam.*

Here wee begin to make Land, and deſcrie a viſible Title to a Parliament, being in ſubſtance and forme neerly allyed unto the Preſidents of theſe very times ; and though ſome will conteſt this word [Parliament] beares date but from the third yeare of *Edw.* 1. yet (me thinks) thoſe words in the ninth yeare of *Edw.* 2. being the immediate ſucceſſor to *Edw.* 1. might convince them, *viz. Sciatis quod quum dudum temporibus progenitorum noſtrorum quondam regum Angliæ in diverſis Parliamentis ſuis, &c.* which word [*Progenitorum*] had been improper, if that name had commenced in his fathers raigne.

In one word, time out of mind, this high Court and its Judicature hath flouriſhed before the Conqueſt, in the Conqueſt (notwithſtanding that *ſilent leges inter arma*) and ever ſince the Conqueſt, untill this preſent houre.

Me

Mee thinkes, I appeare in your Lordſhips eyes as one drawing his Sword, traverſing his ground, lying upon his guard, there being neither offence nor oppoſition to draw him into this diſtemper. Your Lordſhips may ſay, What need you waken ſo many ſleepy Records to prove Parliaments have been? who is it of ſo deſperate an opinion, that offers it in queſtion?

Truly (my Lords) I cannot name Him, or Them; but whoſoever they were that enſtill'd this jealouſie of Judicature into his Majeſties thoughts, did *ipſo facto* ſubvert Parliaments, and the ſtrong rooted rites therof.

Ariſtotle bids us not to diſpute, *utrum nix ſit alba*, and the like viſible and apparent truths; but if any Man of an obdurate judgment would have denied that there was *Anima Rationalis*, then *Ariſtotle* muſt prove there is *Homo*, and *Anima Rationalis* will bee drawne in by conſequence. Prove *Homo*, prove a *Parliament*, and *Anima Rationalis*, which is *Judicature*, will be drawne in by conſequence: beſides, I am protected by the Verſe,

Judicis officium eſt ut res, ita tempora rerum
Quarere.

Next I muſt offer unto your Lordſhips that which the Law hath a tender reſpect unto, even the ends of Parliament:

Exitus acta probat.

Theſe I finde thus to bee capitulated by Sir *Edward Coke*, *Primò, ad ſubditos à delinquendo declinandos, hoc eſt, ut delicta tam bonis cautiſq; legibus, tam debita earundam executione anticiparentur*: now, if *debita executio legum* can be in Parliament inflicted upon *delinquentes ſubditos*, without legall proceedings and tryall, (except they will ſay nothing, and ſo bee preſt to death) I leave it to bee argued amongſt children.

2. *Ut tuta tranquillaq; ſit vita hominum*; but certainly the

the life of man is not preſerved by the impunity of offendors, which muſt paſſe, *ſublata judicatura.*

3. *Ut fixis quibuſdam ſanctionibus ſanctiſq; judiciis jus unicuiq; fieret*; but whether *jus* implies not puniſhing malefactors as well as relieving the oppreſſed (*Crudelitas parcens*, being more deſtructive to the Commonweale, then *Crudelitas puniens*) I leave it to be argued among children.

Fleta ſaith, a Parliament is called *Terminare dubitationes judiciorum, novis injuriis emerſis nova conſtituere remedia, unicuique prout meruerit juſtitiam retribuere.* Treaſon and Murther is *injuria*, Death and the loſſe of the offendors goods is *remedium*, the end of a Parliament is to apply this remedie. Then our Parliament muſt have a ſhort cut in tryall. Wee muſt condemne without hearing of any part, for why ſhould they hear, if they have no power to determine?

Having thus farre analyzed a Parliament, wee muſt conſider its Parentage, and then prove our claime to Judicature by the title of *Coheire* with the Parliament in *England*, which his Majeſties Progenitors have ever graciouſly confirmed unto us.

A Parliament then is a ſtructure founded upon the Common Lawes of *England*, as is manifeſt in its proceedings upon many tryals according to the courſe of the Common Lawes. It is the heire apparent to the Common Law, and parent of the Statute Law. To make this poſition paſſe for touch, I will give you the Teſt of that ancient and learned Author of the book intituled *Mirror de les Juſtices*, in his owne words, *Hoc cum ſit forum in hoc regno planè ſupremum, pars eſt ſtructuræ jurium municipalium, & nonnunquam ſecundum frequentem illum, & uſitatum in lege communi ordinem proceſſus habet.*

My Lords, ſince with your Lordſhips patience we are arrived unto this undeniable truth, I will now

done

done our title to the Common Lawes of *England*, to the Statute Lawes of *England* before 10. *H.* 7. to the lawfull Customes of *England*, to the Courts of Justice in *England*, to the Writs Originall and Judiciall of *England*, and to the Presidents of *England*, even from the high Court of Parliament, unto the petty Constables office.

The first knowledge the printed Statute gives us of *Magna Charta*, is in 9. *H.* 3. yet wee finde it inrolled in the red Booke of the Exchequer. 3. King *John*.

King *John* in the 12. yeare of his raigne went into *Ireland*, and there attended with the advice of grave and learned men in the Laws, (whom he carryed with him) *de communi omnium de Hybernia consensu*, which is to be understood of Parliament, ordained and established that *Ireland* should be governed by the Lawes of *England*.

I find *in Rotulo Patentum* 11. *H.* 3. thus written, *Rex &c. Baronibus, militibus, & omnibus liberè tenentibus, Salutem. Satis ut credimus vestra audivit discretio, quod quando bonæ memoriæ Johannes quondam Rex Angliæ pater noster venit in Hyberniam, ipse duxit secum viros discretos, & legisperitos, quorum communi Concilio, & ad instantiam Hybernensium statuit & præcipit leges Anglicanas in Hybernia, ita quod leges easdem in scripturas redactas reliquit sub sigillo suo ad Scaccarium* Dublin.

Shall I repeate the very words recorded, *Rot. Patent.* 18. *H.* 3. *Rex, &c. Comitibus, Baronibus militibus & liberis hominibus, & omnibus aliis de terra Hybernia, Salutem. Quia manifestè esse dignoscitur contra coronam & dignitatem nostram, & consuetudines, & leges regni nostri Angliæ, quas bonæ memoriæ Dominus Johannes Rex, Pater noster, de communi omnium de Hybernia consensu teneri statuit in terra illa, quod placita teneantur de curia Christianitatis, de advocationibus, Ecclesiarum, & Capellarum, vel de Loci feodo, vel de Catallis quæ non sunt testamento, vel ma-*

trimonio. Vobis mandamus prohibentes quatenus hujusmodi placita in Curia Christianitatis nulla tenus sequi præsonatis in manifestum dignitatis, & Coronæ nostræ præjudicium: Scituri pro certo quod si feceritis, dedimus in mandatis Judiciario nostro Hyberniæ, Statuta Curiæ nostræ in Anglia contra transgressiones hujus mandati nostri cum justitia procedat, & quod nostrum est exequatur. Teste Rege apud Winchomb. 28. Octob. an. regni 18.

My Lords, I have read this Roll at large, because I perceive a holy indignation in this Prince, that the Officers of this Kingdome would hold Pleas not sutable in every respect unto the Laws, and Customes of *England*, adjudging the practise to be *in manifestum dignitatis & Coronæ nostræ præjudicium.* Then observe the warning piece, *Vobis mandamus prohibentes, &c.* then the punishment, *Scituri pro certo, &c.* but the Judges in those dayes were not so acute and subtle, as to demand a president for their punishment in case they had incurred it. Yet the Sophisters of Law in this Kingdome may finde that King not unprovided with his answer; for the words are *Dedimus in mandatis, &c. Statuta Curiæ nostræ in Anglia contra transgressiones, &c.* So that then the Statutes and Rules of the Courts in *England*, may be Presidents both for triall and punishment.

Rot. Pat. 30. H. 3. Rex, &c. pro communi utilitate terræ Hyberniæ & pro unitate terrarum, provisum est quod omnes leges & consuetudines quæ in regno Angliæ tenentur, in Hybernia teneantur, & eadem terra eisdem legibus subjaceat, ac per easdem regatur, sicut Johannes Rex cum illic esset, statuit, & firmiter mandavit. Ideo volumus quod omnia brevia de communi jure, quæ currant in Anglia similiter currant in Hybernia sub novo sigillo Regis: Here are the old Lawes and Writs, differing in nothing but in a new Seale; which I wonder none of our witty Informers take advantage of to make it an essentiall difference.

13. *H.* 1. *Coram rege in longo placito,* I reade *una & eadem esse debet Lex tam in regno Angliæ, quam Hyberniæ.*

My Lords, I will adde but this Quotation (which I hapned upon this morning) 2. *Rich.* 3. *fol.* 12. *in Camera stellata, Terra Hyberniæ inter se habet Parliamentum, & omnimodas Curias prout in Angliæ, & per idem Parliamentum facit leges, & mutat leges, & illi de eadem terra non obligantur per Statuta in Angliæ, quia hi non habent milites Parliamenti.* Here is a grant of Parliament past unto us of this Kingdome with all his appurtenances, rites, and members, as they were formerly; or now held by the Subjects of *England* from or by his Majesty.

Pray (my Lords) why are these cleere records preserved to posterity? to raise, or to confirme doubts?

That then their Parliaments are the very starres which we must saile by; their Presidents, the meridian sun wee must observe to finde the Latitude of our proceedings by, the last rehearsed rols proclaimed unto the world.

In its Etymologie it is *Altissima Curia*, but how ill-favouredly this name becomes it, if one Justice of Assize may heare and determine capitall offences, and this *Altissima Curia*, not have power of a grand Jury to him to finde *Billa vera.*

Yet aske this Justice of Assize by what president in this Kingdome he adventures upon this service. Aske of the Justice of Peace by what Presidents hee takes notice of Presentments, Indictments, awards the *alias*, the *plures Capias*, and his Presidents must take shipping out of *England.*

Inquire of the Court of Chancery for its Presidents of Equity, for the Presidents of Writs and Judgements. Inquire of the Kings Bench for a President in *Ireland*, for a Wager of battaile in an appeale. Inquire of

the Courts of Common-pleas for their Presidents in any of their rules of Court; Nay inquire of the petty-Constable by what President in *Ireland* hee executes his office, nay, for the carrying of his painted staffe; and they will returne but starved and hungry arguments, except they ship their Presidents out of *England*.

But admit (my Lords) wee had no interest in the Presidents of *England*, were it not *durus sermo*, that the long and well settled rites of Parliament should fall to the ground for want of a President, which undoubtedly hath power in it selfe to make a President not repugnant to Law?

Who knowes not but in the former darke and Tragicall times, that all, or the most part of the Rolls, and Records of this Kingdome were kept in *Bremingham's* Tower, and that the end of them was the Antitype of the end of the world, even a dissolution by fire; some layd in horse loades in every corner of the streets for Dung-hill-rakers to pick antiquities up, and Taylors to make measures of.

This Epidemicall consumption of our Records was a fatall and dismall injury to this Kingdome in it selfe; but it will wound us afresh, if our selves and posterity for want of them (though no fault in us then unborne) should permit Treasons, Rapines, Murthers, Disturbers of the King, Kingdome and Common-weale, not onely passe with impunity, but be established in the greatest places of Judicature, as if Treason were the square of the Law, and Allegeance become Treason.

Praised be Almighty God, this Kingdome is not so barren of the Professors of the Law, but I see those persons in my eyes, that can with more respect unto the dignity of His Majesties Crowne, with more regard unto his Majesties most Sacred and inviolable Oath, with more content to the whole Kingdome, personate the King, amiable to his people in the dis-

pensation

penſation of Juſtice in the High Offices of the Judges impeached.

Yet (my Lords) notwithſtanding the Bonefires of our Rolls, I will offer one Preſident or two, by which the ancient Judicature of the Parliament in this Kingdome will appeare in triumphant colours.

In a Parliament held in this Kingdome in *Hen.* 5. time, *Richard O Heydan* Biſhop of *Caſhell* was impeached in 30. Articles by *John Geſe* Biſhop of *Waterford*; 3. Articles were, for counterfeiting the Kings Seale, for counterfeiting the Kings Letters Patent, for endeavouring to make himſelfe King of *Munſter*; ſo that the Parliaments in this Kingdome have not been confined to tryall of petty Larcenies, and moſt properly ſhould puniſh with the Sword, committing the rod to every pedantick Schoolemaſter.

In another Parliament held in this Kingdome in *Ed.* 2. Sir *Arnold Poore* was tryed for killing the Lord *Bonevaile*, and by ſentence of that High Court was acquitted, it being found it was done in his own defence.

My Lords, the Treaſons in this kingdome formerly practiſed have beene by hoſtile invaſion for the moſt part, and were ſtruck dead by the plaine Letter of the Law; the next block or tree was the Tribunall they appeared before.

Parliaments were but rare and Infant-like, and frighted with the claſhing of Armes from one place to another, and untill King *JAMES* of bleſſed memory ſate at the Steerage of our weather-beaten Ark, our Dove never brought in her Olive-branch, ſo that there could hardly be time allowed for a ſolemn tryall, if the occaſion had been offered.

The manner of thoſe Treaſons reſemble the forcible taking of a mans purſe upon the high-way: theſe Treaſons that wee ſhall have to ſift, are more like cutpurſing, they ſmile in our faces whilſt their hands dive

into our pockets: the event is one, The losse of our moneys; and though they be taken napping, they will sweare they meant us no harme.

——*Latet Anguis in herba.*

The first man that ever suffred for Treason if want of a President would excuse him, might have begot Traytors to the third, and fourth generation with impunity. My house hath taken fire, I call for water to quench it; I would suppose him mad that would advise mee to let it burne to the ground, because my neighbour would not quench his; and therefore I want a President.

We will impute it unto the integrity of those times that have not fostred such unbounded spirits to attempt such crimes as might leave Presidents of this Nature.

It is (my Lords) Justice that those who will renew Presidents of long buried crimes, should renew or create Presidents of deserved tryall, and punishment.

My Lords, I have mustered some few Arguments in vindication of the Judicature of the Parliament in this Kingdome, they are valid enough for the intricacie of the question: Where tacks will serve, what needs tenpenny nayles? A good face wants no band. A valid Parliament wants no assertions for its Jurisdiction; and such is this present Parliament, as is manifest in one of the Royall letters I mentioned in the beginning of this discourse, declaring the effectuall validity thereof in an Emphaticall sense.

There is nothing now left (my Lords) but that as I have spent some time in scanning a Parliament with Judicature, since *Contraria, contrariis opposita magis elucescunt* wee may cast a smiling eye upon that pretty silken bugbeare of State, a Parliament without Judicature.

Curia altissima, must be *Curia infima*; *Curia magna*, must

must be *Curia minima*. It will resemble a sword with guilt nilts, and a blade made of a larth. Whereas then all Courts were derived from it, now all Courts may insult upon it.

My Lords, I leave to your Lordships consideration the cloth of State, (which no man ought to name without reverence) whether it will not esteeme it selfe in a deplorable, and widowed estate for the death of her onely consort, *JUDICATURE*. Like the single Turtle it mournes, whilst the Cushions of the Toulesale prick up their eares.

My Lords, me thinks, the Lyons roare, the strings of the Harps break and sound in discord, the Flower de Luces wither to bee stretch'd out, in a place *sans* Judicature. None sits under that Pavilion that beares the Sword in vaine. The high-priz'd tincture of your Lordships robes begins to fade, the Ermins lose their complexion, if they lose their Judicature.

That wel-becomming title to a Nation, *Peerage*, begins to hang down its head, and blush, and curses the influences in its nativity, if it should come to such an untimely end.

Your Speaker may study silence, and report that to himselfe which he never read nor heard of, *A Parliament without JUDICATURE*.

The Right reverend Bishops may retire into the Convocation house, the reverend Judges, that sit attendants on your house, in respect of those intricate mysteries in Judicature that happen to be discuss'd before this Tribunall (though most venerable in their own Spheare) sit like so many Plovers prick'd down for Stales, with this Motto, *Videntur et non sunt*.

We of the House of Commons, that were hitherto stiled *Prudentum Conventus*, may impeach with little wit, & you remedy us with as little power; imitating *Baal's* Priests, cut and lance our selves, contribute our Estates, our Studies, our lives for his Majesties ever-

ever-prayed for happineſſe; *Call* and *Call* to their *gods* that could not help them, *Impeach* and *Impeach*, and demand Juſtice from our titular Lords, that can neither helpe themſelves nor us.

My Lords, the Common-Law ſpeakes our Parliament and its Judicature, the Statute Lawes confirme it, Preſidents ſtrengthen it; Reaſon, even undeniable reaſon fortifies it: What Magick is there then, that the caſe is thus altered?

If it lies in the degrees of the perſons impeacht, hear then the Statute of *Marlebridge*, 52. *H.* 3. *Proviſum eſt, concordatum et conceſſum, quod tam majores, quam minores juſtitiam habeant, et recipiant in Curia Domini Regis.*

Yet their offices may offer ſome things in conſideration: My Lords, the late Lord Keeper in *England* will nôt come in to diſpute this point afore the Parliament: and Sir *Robert Belknap*, one of the Judges of the Common-Pleas, was put to baniſhment by the Parliament for ſubſcribing an opinion againſt Law, though forc'd by a dagger held to his breſt; and the reſt of the Judges that ſubſcribed the ſame were put to death. A reaſon I forgot that wee may bee excus'd for want of Preſidents, if there be any ſurviving. The parties impeach'd have taken a courſe for that, and by an order of the Chancery had them in their owne cuſtody, ſince their Impeachment, ſince the Maſter of the Rolls death unto this preſent houre. Poore *David*, poore Houſe of Commons muſt encounter *Goliah*; nay *Goliah*, and yet *Goliah* muſt have his owne Sword and Speare, nay *Sauls* Armor, the Kings evidences, nay *Davids* poore ſling; this I humbly preſent to your Lordſhips conſideration. My Lords, *England* will not envy, that wee plead an equall intereſt in their Lawes, but rejoyce to ſupport us, eſpecially in parliamentary proceedings, his Majeſty will conceive the vanity of thoſe, that, taking advantage of his princely mind involv'd in multiplicity

multiplicity of weighty affaires, would raiſe ſuch dangerous doubts. Obſerve but one word in the *Rot. Pat.* 30. *H.* 3. *Rex, &c. pro communi utilitate terræ Hyberniæ, et pro unitate terrarum, proviſum eſt, quod omnes leges, et conſuetudines.* You ſee the confirming and enacting of the Lawes and Cuſtomes of *England* to bee of force in *Ireland*, was, *pro utilitate terræ Hyberniæ, et pro unitate terrarum*; the Union of Lawes being the beſt unity of Kingdomes. Thoſe then that would tread under feet the wiſedome of thoſe times ſo fortunately commenced, and continued, may be judged as the Incendiaries of Nations, and the Plagiaries of Government. My Lords, out of what I have ſaid, this infallible Maxime may be drawn of the High Court of Parliament, *Si vetuſtatem ſpectes eſt antiquiſsima, ſi dignitatem eſt honoratiſsima, ſi Juriſdictionem eſt capaciſsima.*

In the laſt place, I preſent unto your Lordſhips theſe three Inſtruments, being thrice ſeverally read, maturely debated, and ſolemnly voted in our Houſe, to receive their perfection, and maturity by ſuch proceedings in this moſt honourable Houſe, as ſhall be ſutable to your approved Judgements.

FINIS.

Sr. HENRY VANE His SPEECH, At a Committee for the Bill against Episcopall Government, *Jun.* 11. 1641.

Master *Hide*,

THe debate we are now upon is, whether the Government by Archbishops, Bishops, Chancellors, &c. should bee taken away out of the Church and kingdome of *England*: For the right stating whereof, we must remember the vote which past yesterday, not onely by this Committee, but the House, which was to this effect: That this Government hath bin found by long experience, to be a great impediment to the perfect reformation and growth of Religion and very prejudiciall to the Civill State.

So that then the Question will lie thus before us, Whether a Government, which long experience hath set so ill a Character upon, importing danger, not onely to our Religion, but the Civill State, should bee any longer continued amongst us, or be utterly abolished? For my owne part, I am of the opinion of those, who conceive that the strength of reason already set downe in the Preamble to this Bill by yesterdayes vote, is a necessary decision of this Question:

ſtion: For one of the maine ends for which Church-government is ſet up, is to advance and further the perfect reformation and growth of Religion, which we have already voted this Government doth contradict; ſo that it is deſtructive to the very end for which it ſhould be, and is moſt neceſſary and deſireable; in which reſpect, certainly we have cauſe enough to lay it aſide, not onely as uſeleſſe, in that it attaines not its end, but as dangerous, in that it deſtroyes and contradicts it.

In the ſecond place, wee have voted it prejudiciall to the Civill State, as having ſo powerfull and ill an influence upon our Lawes, the Prerogative of the King, and liberties of the Subject, that it is like a ſpreading leproſie, which leaves nothing untainted, and uninfected which it comes neere.

May wee not therefore well ſay of this Government, as our Saviour in the fifth of *Matthew* ſpeakes of ſalt, (give me leave upon this occaſion to make uſe of Scripture, as well as others have done in this debate) where it is ſaid that ſalt is good; *But if the ſalt hath loſt its ſavour, wherewith will you ſeaſon it? It is thenceforth good for nothing, but to be caſt out, and troden under foot of men:* So Church-government, in the generall, is good, and that which is neceſſary, and which we all deſire; but when any particular form of it hath once loſt its ſavour, by being deſtructive to its owne ends, for which it is ſet up, (as by our vote already paſſed we ſay this hath) then ſurely, Sir, we have no more to doe but to caſt it out, and endevour, the beſt we can, to provide our ſelves a better.

But to this it hath been ſaid, that the Government now in queſtion, may be ſo amended and reformed, that it needs not be pulled quite downe or aboliſhed becauſe it is conceived, it hath no originall ſin, or evill in it: or if it have, it is ſaid, regeneration will take that away.

Unto which I answer, I do consent that we should do with this Government, as we are done by in regeneration, in which all old things are to passe away, and all things are to become new; and this we must doe, if we desire a perfect reformation, and growth of our Religion, or good to our civill state. For the whole Fabrick of this building is so rotten and corrupt, from the very foundation of it to the top, that if we pull it not down now, it will fall about the eares of all those that endevour it, within a very few yeares.

The universall rottennesse or corruption of this government, will most evidently appeare by a disquisition, into these ensuing particulars.

First, Let us consider in what soile this root grows; Is it not in the Popes Paradise? doe not one and the same principles and grounds maintaine the Papacie, or universall Bishop, as do our Diocesan or Metropolitan Bishops? All those authorities which have beene brought us out of the Fathers and antiquity, will they not as well, if not better, support the Popedome as the order of our Bishops? So likewise all these arguments for its agreeablenesse to Monarchy, and cure of Schisme, doe they not much more strongly hold for the acknowledgement of the Pope, then for our Bishops? And yet have Monarchies beene ever a whit the more absolute for the Popes universall Monarchie? or their Kingdoms lesse subject to schismes and seditions? whatsoever other kingdomes have beene, I am sure our Histories can tell us, this Kingdome hath not: and therefore we have cast him off long since, as hee is forraine, though wee have not beene without one in our owne bowels. For the difference between a Metropolitan, or Diocesan, or universall Bishop, is not of kinds, but of degrees: and a Metropolitan or Diocesan Bishop is as ill able to performe the duty of a Pastor to his Dioceſſe or Province, as the Universall Bishop

Biſhop is able to doe it to the whole world: For the one cannot doe but by Deputies, and no more can the other; and therefore ſince wee all confeſſe the grounds upon which the Papacie ſtands are rotten, how can we deny but theſe that maintain our Biſhops are ſo too, ſince they are one and the ſame?

In the ſecond place, let us conſider by what hand this root of Epiſcopacy was planted and how it came into the Church.

It is no difficult matter to finde this out; for is not the very ſpirit of this Order a ſpirit of pride, exalting it ſelfe in the Temple of God, over all that is called God? Firſt, exalting it ſelfe above its fellow Presbyters, under the form of a Biſhop; then over its fellow Biſhops, under the title of Archbiſhops, and ſo ſtill mounting over thoſe of its owne profeſſion, till it come to be Pope, and then it ſticks not to tread upon the necks of Princes, Kings, and Emperours, and trample them under its feet. Alſo thus you may trace it from its firſt riſe and diſcerne by what ſpirit this Order came into the Church, and by what doore, even by the back-doore of pride and ambition, not by Chriſt Jeſus. It is not a plant which Gods right hand hath planted, but is full of rottenneſſe and corruption; that myſtery of iniquity, which hath wrought thus long, and ſo fit to be plucked up, and removed out of the way.

Thirdly, Let us conſider the very nature and quality of this tree or root in its ſelfe, whether it be good or corrupt in its own nature: We all know where it is ſaid, *A good tree cannot bring forth corrupt fruit, nor a corrupt tree good fruit. Do men gather grapes of thornes, or figs of thiſtles?* By its fruit therefore we ſhall be ſure to know it; and according as the fruits of the Government have beene amongſt us, either in Church or Common wealth, ſo let it ſtand, or fall with us.

In the Church.

1 AS it ſelfe came in by the back-doore into the Church, and was brought in by the ſpirit of Antichriſt; ſo it ſelfe hath been the back-doore and in-let of all ſuperſtition and corruption into the worſhip and doctrine of this Church, and the meanes of haſtening us back againe to Rome. For proofe of this, I appeale to all our knowledges in late yeares paſt, the memorie whereof is ſo freſh, I need enter into no particulars.

A ſecond fruit of this Government in the Church, hath been the diſplacing of the moſt godly and Conſcientious Miniſters; the vexing, puniſhing, and baniſhing out of the Kingdome the moſt religious of all ſorts and conditions, that would not comply with their ſuperſtitious inventions and ceremonies; in one word, the turning the edge and power of their Government againſt the very life and power of Godlineſſe, and the favour and protection of it unto all profane, ſcandalous, and ſuperſtitious perſons that would uphold their party: Thouſands of examples might be given of this, if it were not moſt notorious.

A third fruit hath bin Schiſme and Fractions within our ſelves, and Alienation from all the reformed Churches abroad.

And laſtly, the prodigious monſter of the late Canons, whereby they had deſigned the whole Nation to a perpetuall ſlavery and bondage to themſelves, and their ſuperſtitious Inventions: Theſe are the fruits of the Government in the Church. Now let us conſider theſe in the Civill State: As,

1. The countenancing all illegall Projects and proceedings, by teaching in their pulpits the lawfulneſſe of an arbitrary Power.

2 The

2 The overthrowing all proceſſe at Common Law, that reflected never ſo little upon their Courts.

3 The kindling a warre betweene theſe two Nations, and blowing up the flame, as much as in them lay, by their Counſels, Canons, and Subſidies they granted to that end.

4 The Plots, Practiſes, and Combinations during this Parliament, in all which they ſeeme to have been intereſted more or leſſe.

Thus have they not contented themſelves with encroachments upon our ſpirituall priviledges, but have envied us our civill freedome, deſiring to make us grind in their mill, as the *Philiſtims* did *Sampſon*, and to put out both our eyes: O let us be avenged of theſe *Philiſtims* for our two eyes!

If then the tree be to bee knowne by its fruits, I hope you ſee by this time plainly the nature and quality of this tree.

In the laſt place, give me leave for a cloſe of all to preſent to your conſideration the miſchiefes, which the continuance of this Government doth threaten us with, if by the wiſedome of this Committee they be not prevented.

Firſt, the danger our Religion muſt ever be in, ſo long as it is in the hands of ſuch Governours as can ſtand firmly in nothing more then its ruine; and whoſe affinity with the Popes Hierarchie makes them more confident of the Papiſts, then the profeſſors of the reformed Religion, for their ſafety and ſubſiſtence.

Secondly, the unhappy condition our Civill State is in, whilſt the Biſhops have vote in the Lords houſe, being there as ſo many obſtructions, in our body Politicke, to all good and wholeſome Lawes tending to ſalvation.

Thirdly, the improbability of ſettling any firme or durable peace ſo long as the cauſe of the warre

yet

yet continues, and the bellowes that blow up this flame.

Laſtly, and that which I will aſſure you goes neareſt to my heart, is the check which we ſeeme to give to Divine Providence, if we doe not at this time pull downe this Government. For hath not this Parliament been called, continued, preſerved, and ſecured by the immediate finger of God, as it were for this work? had we not elſe beene ſwallowed up in many inevitable dangers, by the practiſes and deſignes of theſe men and their party? Hath not God left them to themſelves, as well in theſe things, as in the evill adminiſtration of their Government, that he might lay them open unto us, and lead us, as it were, by the hand, from the finding them to be the cauſes of our evill, to diſcerne that their rooting up muſt be our onely cure? Let us not then halt any longer between two opinions, but with one heart and reſolution give glory to God, in complying with his providence, and with the good ſafety and peace of this Church and State, which is by paſſing this Bill we are now upon.

FINIS.

THE SPEECH OR DECLARATION OF JOHN PYM, Esq. &c.

My Lords,

MAny dayes have beene spent in maintenance of the Impeachment of the Earle of Strafford, by the House of Commons, whereby he stands charged with High Treason: And your Lordships have heard his Defence with Patience and with as much favour as Iustice would allow: We have passed through our Evidence, and the Result of all this is, that it remaines clealy proved, That the Earle of Strafford hath indeavoured by his words, actions, and counsells, to subvert the Fundamentall Lawes of England and Ireland, and to introduce an Arbitrary and Tyrannicall Government.

This is the envenomed Arrow for which he inquired in the beginning of his Replication this day, which hath infected all his Blood: This is that Intoxicating Cup, (to use his owne Metaphor) which hath tainted his Iudgement, and poisoned his Heart:

From hence was infused that Specificall Difference which turned his Speeches, his Actions, his Counsels into Treason; Not Cumulative, as he expreſt it, as if many Misdemeanours could make one, Treason; but Formally and Essentially. It is the End that doth enforme Actions, and doth specificate the nature of them, making not onely criminall, but even indifferent words and actions to be Treason, being done and spoken with a Treasonable intention.

That which is given to mee in charge, is, to shew the quality of the offence, how hainous it is in the nature, how mischievous in the effect of it; which will best appeare if it be examined by that Law, to which he himselfe appealed, that universall, that supreame Law, Salus populi: This is the Element of all Lawes, out of which they are derived; the End of all Laws, to which they are designed, and in which they are perfected. How farre it stands in opposition to this Law, I shall endevour to shew in some Considerations which I shall present to your Lordships, all arising out of the Evidence which hath beene opened.

1. The first is this: It is an offence comprehending all other offences; here you shall finde severall Treasons, Murthers, Rapines, Oppressions, Perjuries.

The Earth hath a Seminary vertue, whereby it doth produce all Herbs and Plants, and other Vegetables: There is, in this Crime, a Seminary of all Evills hurtfull to a State; and if you consider the Reasons of it, it must needs be so: The Law is that which puts a difference betwixt good and evill, betwixt just and unjust; If you take away the Law, all things will fall into a confusion, every man will become a Law to himselfe, which in the depraved condition of humane nature, must needs produce many great enormities: Lust will become a Law, and Envy will become a Law, Covetousnesse and Ambition will become Lawes; and what dictates, what decisions such Lawes will produce, may easily be discerned in the late Government of Ireland: The Law hath a power to prevent, to restraine, to repaire evills; without this, all kind of mischiefes and distempers will breake in upon a State.

It

It is the Law that doth intitle the King to the Allegeance and ſervice of his people, it intitles the people to the protection and juſtice of the King. It is God alone who ſubſiſts by himſelfe, all other things ſubſiſt in a mutuall dependence and relation. Hee was a wiſe man that ſaid, that the King ſubſiſted by the field that is tilled: It is the labour of the people that ſupports the Crowne: If you take away the protection of the King, the vigour and cheerefulneſſe of Allegeance will be taken away though the Obligation remaine.

The Law is the Boundary, the Meaſure betwixt the Kings Prerogative, and the peoples Liberty: Whiles theſe move in their owne Orbe, they are a ſupport and ſecurity to one another; The Prerogative a cover and defence to the Liberty of the people, and the people by their Liberty are enabled to be a foundation to the Prerogative; but if theſe bounds be ſo removed, that they enter into conteſtation and conflict, one of theſe miſchiefes muſt needs enſue: If the Prerogative of the King overwhelme the Liberty of the people, it will be turned into Tyranny; if Liberty undermine the Prerogative, it will grow into Anarchy.

The Law is the ſafegard, the cuſtody of all private intereſt: Your Honours, your Lives, your Liberties and eſtates are all in the keeping of the Law; without this, every man hath a like right to any thing, and this is the condition into which the Iriſh were brought by the Earle of Strafford: And the reaſon which hee gave for it, hath more miſchiefe in it than the thing it ſelfe, They were a Conquered Nation. There cannot be a word more pregnant & fruitfull in Treaſon, than that word is: There are few Nations in the world that have not bin conquered, and no doubt but the Conqueror may give what Lawes he pleaſe to thoſe that are conquered: But if the ſucceeding Pacts and Agreements doe not limit and reſtraine that right, what people can be ſecure? England hath been conquered, and Wales hath been conquered, and by this reaſon will be in little better caſe than Ireland. If the King by the Right of a Conqueror gives Laws to his people, ſhall not the people by the ſame reaſon be reſtored to the right of the conquered, to recover their liberty if they can? What can be more hurtfull, more pernitious to both, then ſuch propoſitions as theſe?

And in theſe particulars is determined the firſt Conſideration.

2. The ſecond Conſideration is this : This Arbitrary power is dangerous to the Kings Perſon, and dangerous to his Crowne : It is apt to cheriſh ambition, uſurpation, and oppreſſion in great men, and to beget ſedition and diſcontent in the People ; and both theſe have been, and in reaſon muſt ever be cauſes of great trouble and alteration to Princes and States.

If the Hiſtories of thoſe Eaſterne Countries be peruſed, where Princes order their affaires according to the miſchievous principles of the E. of Strafford, looſe and abſolved from all Rules of Government, they will be found to be frequent in combuſtions, full of Maſſacres, and of the tragicall ends of Princes. If any man ſhall looke into our owne Stories, in the times when the Lawes were moſt neglected, he ſhall find them full of Commotions, of Civill diſtempers ; whereby the Kings that then reigned, were alwayes kept in want and diſtreſſe ; the people conſumed with Civill warres : and by ſuch wicked Counſells as theſe, ſome of our Princes have beene brought to ſuch miſerable ends, as no honeſt heart can remember without horrour, and earneſt Prayer, that it may never be ſo againe.

3. The third Conſideration is this, The ſubverſion of the Lawes ; And this arbitrary power, as it is dangerous to the Kings Perſon and to his Crowne, ſo is it in other reſpects very prejudiciall to his Majeſty in his Honour, Profit, and greatneſſe ; and yet theſe are the gildings and paintings that are put upon ſuch Counſels ; Theſe are for your Honour, for your Service ; whereas in truth they are contrary to both : But if I ſhall take off this varniſh, I hope they ſhall then appeare in their owne native deformity, and therefore I deſire to conſider them by theſe Rules.

It cannot be for the honour of a King, that his ſacred authority ſhould be uſed in the practiſe of injuſtice & oppreſſion ; that his Name ſhould be applyed to patronize ſuch horrid crimes, as have beene repreſented in Evidence againſt the Earle of Strafford ; and yet how frequently, how preſumptuouſly his Commands, his Letters have beene vouched throughout the courſe of this Defence, your Lordſhips have heard. When the Iudges

Iudges doe juſtice, it is the Kings Iuſtice, and this is for his honour, becauſe he is the Fountaine of Iuſtice : but when they doe injuſtice, the offence is their owne : But thoſe Officers and Miniſters of the King, who are moſt officious in the exerciſe of this Arbitrary power, they doe it commonly for their advantage ; and when they are queſtioned for it, then they fly to the Kings intereſt, to his direction : And truly my Lords, this is a very unequall diſtribution for the King, that the diſhonour of evill courſes ſhould be caſt upon him, and they to have the advantage.

The prejudice which it brings to him in regard of his profit, is no leſſe apparant : It deprives him of the moſt beneficiall, and moſt certaine Revenue of his Crowne, that is, the voluntary aids and ſupplies of his people ; his other Revenues, conſiſting of goodly Demeanes, and great Manors, have by Grants beene alienated from the Crowne, and are now exceedingly diminiſhed and impaired : But this Revenue it cannot be ſold, it cannot be burdened with any Penſions or Annuities, but comes intirely to the Crowne. It is now almoſt fifteene yeeres ſince his Majeſty had any aſſiſtance from his people ; and theſe illegall wayes of ſupplying the King were never preſt with more violence, and art, then they have beene in this time, and yet I may upon very good grounds affirme, that in the laſt fifteene yeeres of Queene Elizabeth, ſhe received more by the Bounty and Affection of her Subjects, then hath come to His Majeſt es Coffers by all the inordinate and rigorous courſes which have been taken. And as thoſe Supplies were more beneficiall in the Receipt of them, ſo were they like in the uſe and imployment of them.

Another way of prejudice to his Majeſties profit, is this : Such Arbitrary courſes exhauſt the people, and diſable them, when there ſhall be occaſion, to give ſuch plentifull ſupplyes, as otherwiſe they would doe. I ſhall need no other proofe of this, then the Iriſh Government under my L. of Strafford, where the wealth of the kingdome is ſo conſumed by thoſe horrible exactions and burdens, that it is thought the Subſidies lately granted will amount to little more then halfe the proportion of the laſt Subſidies. The two former wayes are hurtfull to the Kings pro-

fit, in that respect which they call Lucrum Cessans, by diminishing his receipts; But there is a third, fuller of mischiefe, and it is in that respect which they call Damnum emergens, by increasing his disbursements: Such irregular and exhorbitant attempts upon the Liberties of the people, are apt to prodnce such miserable distractions and distempers, as will put the King and kingdomes to such vast expences and losses in a short time, as will not be recovered in many yeeres: Wee need not goe farre to seeke a proofe of this, these two last yeares will be a sufficient evidence, within which time I assure my selfe, it may be proved, that more Treasure hath beene wasted, more losse sustained by his Majesty and his Subjects, then was spent by Queene Elizabeth in all the War of Tyrone, and in those many brave Attempts against the King of Spaine, and the royall assistance which she gave to France, and the Low-Countries, during all her Reigne.

As for Greatnesse, this Arbitrary power is apt to hinder and impaire it, not onely at home, but abroad. A kingdome is a society of men conjoyned under one Government, for the common good: The World is a society of kindomes and States. The Kings greatnesse consists not onely in his Dominion over his Subjects at home, but in the influence which hee hath upon States abroad, That he should bee great even among Kings, and by his wisedome and authority so to incline and dispose the affaires of o her States and Nations, and those great events which fall out in the World, as shall be for the good of Mankind, and for the peculiar advantage of his owne people. This is the most glorious, and magnificent greatnesse, to be able to relieve distressed Princes, to support his owne friends and Allies, to prevent the ambitious designes of other Kings; and how much this Kingdome hath beene impaired in this kinde, by the late mischievous counsels your Lordships best know, who at a neere distance, and with a more cleare sight, doe apprehend these publique and great affaires, then I can doe. Yet thus much I dare boldly say, that if his Majestie had not with great wisedome and goodnesse forsaken that way wherein the Earle of Strafford had put him, we should within a short time have beene brought into that miserable condition, as to have beene vseless to our friends, contemptible to our enemies,

and

and uncapable of undertaking any great Deſigne either at home or abroad.

A fourth Conſideration is, That this Arbitrary and Tyrannicall Power, which the Earle of Strafford did exerciſe in his owne perſon, and to which he did adviſe his Majeſty, is inconſiſtent with the Peace; the Wealth, the Proſperity of a Nation; It is deſtructive to Iuſtice, the Mother of Peace; to Induſtry, the ſpring of Wealth; to Valour, which is the active vertue whereby the proſperity of a Nation can onely be procured, confirmed and inlarged.

It is not onely apt to take away Peace, and ſo intangle the Nation with Warres, but doth corrupt Peace, and puts ſuch a malignity into it, as produceth the Effects of warre. We need ſeeke no other proofe of this, but the Earle of Straffords Government, where the Iriſh, both Nobility and others, had as little ſecurity of their Perſons or Eſtates in this peaceable time, as if the Kingdome had beene under the rage and fury of warre.

And as for Induſtry and Valour, who will take paines for that, which when hee hath gotten, is not his owne? Or who fight for that wherein he hath no other intereſt, but ſuch as is ſubject to the will of another? The Ancient encouragement to men that were to defend their Countries was this, That they were to hazard their Perſon, pro Aris & Focis, for their Religion, and for their Houſes; But by this Arbitrary way which was practiſed in Ireland, and counſelled here, no man had any certainty, either of Religion, or of his Houſe, or any thing elſe to be his owne; But beſides this, ſuch Arbitrary courſes have an ill operation upon the courage of a Nation, by embaſing the hearts of the people: A ſervile condition doth for the moſt part beget in men a ſlaviſh temper and diſpoſition. Thoſe that live ſo much under the Whip and the Pillory, and ſuch ſervile Engines, as were frequently uſed by the Earle of Strafford, they may have the dregs of valor, ſullenneſſe, and ſtubbornneſſe, which may make them prone to Mutinies, and diſcontents; but thoſe Noble and gallant affections, which put men on brave Deſignes and Attempts for the preſervation or inlargement of a Kingdome, they are hardly capable of. Shall it be Treaſon to embaſe the Kings Coyne, though but a piece

of twelve-pence, or six-pence, and must it not needs be the effect of a greater Treason, to embase the spirits of his Subjects, and to set a stamp and Character of servitude upon them, whereby they shall be disabled to doe any thing for the service of the King or Common-wealth?

The fifth Consideration is this, That the exercise of this Arbitrary Government, in times of sudden danger, by the invasion of an enemy, will disable his Majesty to preserve himselfe and his Subjects from that danger. This is the only pretence by which the Earle of Strafford, and such other mischievous Counsellours would induce his Majesty to make use of it; and if it be unfit for such an occasion, I know nothing that can be alledged in maintenance of it.

When warre threatens a Kingdome by the comming of a forraine Enemy, it is no time then to discontent the people, to make them weary of the present Government, and more inclineable to a Change; The supplies which are to come in this way, will be unready, uncertain; there can be no assurance of them, no dependence upon them, either for time or proportion: And if some money be gotten in such a way, the Distractions, Divisions, Distempers, which this course is apt to produce, will be more prejudiciall to the publique safety, than the supply can advantagious to it; and of this we have had sufficient experience the last Summer.

The sixt, That this crime of subverting the Lawes, and introducing an Arbitrary and Tyrannicall Government, is contrary to to the Pact and Covenant betwixt the King and his people. That which was spoken of before, was the legall union of Allegeance and Protection; this is a personall union by mutuall agreement and stipulation, confirmed by oath on both sides: The King and his people are obliged to one another in the neerest relations; He is a Father, and a childe is called in Law, Pars Patris: He is the Husband of the Common-wealth, they have the same interests, they are inseparable in their condition, be it good or evill; He is the Head, they are the Body; there is such an incorporation as cannot be dissolved without the destruction of both.

When

When Iuſtice Thorpe, in Edward the thirds time, was by the Parliament condemned to death for Bribery, the reaſon of that judgement is given, becauſe he had broken the Kings Oath, not that he had broken his owne oath, but that hee had broken the Kings oath, that ſolemne and great obligation, which is the ſecurity of the whole Kingdome: If for a Iudge to take a ſmall ſumme in a private cauſe, was adjudged Capitall, how much greater was this offence, whereby the Earle of Strafford hath broken the Kings Oath in the whole courſe of his government in Ireland, to the prejudice of ſo many of his Majeſties Subjects, in their Lives, Liberties, and Eſtates, and to the danger of all the reſt?

The Doctrine of the Papiſts, Fides non eſt ſervanda cum Hæreticis, is an abominable Doctrine; yet that other Tenet more peculiar to the Ieſuits is more pernicious, whereby Subjects are diſcharged from their oath of Allegeance to their Prince whenſoever the Pope pleaſeth; This may be added to make the third no leſſe miſchievous and deſtructive to humane ſociety, then either of the reſt; That the King is not bound by that oath which he hath taken to obſerve the Lawes of the Kingdome, but may when he ſees cauſe, lay Taxes and Burthens upon them without their conſent, contrary to the Lawes and Liberties of the Kingdome. This hath beene preached and publiſhed by divers; And this is that which hath beene practiſed in Ireland by the Earle of Strafford, in his government there, and endevoured to be brought into England, by his Counſell here.

The ſeventh is this; It is an offence that is contrary to the end of Government; The end of Government was to prevent oppreſſions; to limit and reſtraine the exceſſive power and violence of great men, to open the paſſages of Iuſtice with indifferency towards all; This Arbitrary power is apt to induce and incourage all kinde of inſolencies. 7

Another end of Government, is to preſerve men in their Eſtates, to ſecure them in their Lives and Liberties; but if this Deſigne had taken effect, and could have beene ſetled in England, as it was practiſed in Ireland, no man would have had more certainty in his owne, then power would have allowed him; but theſe two have been ſpoken of before, there are two behind more important, which have not yet beene touched.

It is the end of Governement, that vertue should be cherisht, vice suppresst ; but where this Arbitrary and unlimited power is set up, a way is open not onely for the security, but for the advancement and incouragement of evill ; Such men as are apteſt for the execution and maintenance of this Power, are onely capable of preferment ; and others who will not be instruments of any unjust commands, who make a conscience to doe nothing against the Lawes of the Kingdome, and liberties of the Subject, are not onely not passable for imployment, but subject to much jealousie and danger.

It is the end of Government, that all accidents and events, all Counsells and Designes should be improved to the publique good : But this Arbitrarie Power is apt to dispose all to the maintenance of it selfe. The wisdome of the Counsell Table, the Authority of the Courts of Iustice, the industry of all the Officers of the Crowne have beene most carefully exercised in this ; the Learning of our Divines, the Iurisdiction of our Bishops have beene moulded and disposed to the same effect, which though it were begun before the E. of Straffords Imployment, yet it hath beene exceedingly furthered and advanced by him.

Vnder this colour and pretence of maintaining the Kings Power and Prerogative many dangerous practises against the peace and safetie of this kingdome have beene undertaken and promoted. The increase of Popery, and the favours and incouragement of Papists have beene, and stillare a great grievance and danger to the Kingdome : The innovations in matters of Religion, the usurpations of the Clergie, the manifold burdens and taxations upon the people, have beene a great cause of our present distempers and disorders ; and yet those who have beene chiefe Furtherers and Actors of such Mischieses, have had their Credit and Authority from this, That they were forward to maintaine this Power. The E. of Strafford had the first rise of his greatnesse from this, and in his Apologie and Defence, as your Lordships have heard, this hath had a maine part.

The Royall Powe, and Majestie of Kings, is most glorious in the

the prosperitie and happinesse of the people ; the perfection of all things consists in the end for which they were ordained, God onely is his owne end, all other things have a further end beyond themselves, in attaining whereof their owne happinesse consists : If the meanes and the end be set in opposition to one another, it must needs cause an impotency and defect of both.

The eight Consideration is, The vanitie and absurdity of those excuses and justifications which he made for himselfe, whereof divers particulars have been mentioned in the course of his Defence. 8

1. That he is a Counsellor, and might not be questioned for any thing which he advised according to his conscience ; The ground is true, there is a liberty belongs to Counsellors, and nothing corrupts Counsels more then Fear ; Hee that will have the priviledge of a Counsellor, must keepe within the iust bounds of a Counsellor ; those matters are the proper subiects of Counsell, which in their times and occasions, may be good or beneficiall to the King or Common-wealth ; But such treasons as these, the subversion of the Lawes, violation of Liberties, they can never be good, or iustifiable by any circumstance, or occasion; and therefore his being a Counsellor, makes his fault much more hainous, as being committed against a greater Trust, and in a way of much mischiefe and danger, lest his Maiesties conscience and iudgement (upon which the whole course and frame of his Government doe much depend) should be poysoned and infected with such wicked principles and designes : And this hee hath endeavoured to doe, which by all Lawes, and in all times hath in this Kingdome beene reckoned a Crime of an High Nature.

2. Hee labours to interest your Lordships in his cause, by alledging, It may be dangerous to your selves, and your Posterity, who by your birth are fittest to be neare his Maiesty, in places of trust and Authority, if you should be subiect to be questioned for matters delivered in Counsell. To this was answered, that it was hoped their Lordships would rather Labour to secure themselves, and their posteritie, in the exercise of their vertues, then of their vices, that so they might together

with their owne honour and greatneſſe, preſerve the honour and greatneſſe, both of the King and kingdome.

3. Another excuſe was this, that whatſoever he hath ſpoken was out of a good intention; Sometimes good and evill, truth and falſhood lie ſo neare together, that they are hardly to be diſtinguiſhed: Matters hurtfull and dangerous may be accompanied with ſuch circumſtances as may make it appeare uſefull and convenient, and in all ſuch caſes, good intention will juſtifie evill Counſell; But where the matters propounded are evill in their owne nature, ſuch as the matters are wherewith the Earle of Strafford is charged, to breake a publique faith, to ſubvert Laws and Government, they can never be juſtified by any intentions, how ſpeeches, or good ſoever they be pretended.

4. Hee alledgeth it was a time of great neceſſitie and danger, when ſuch counſels were neceſſarie for preſervation of the State. Neceſſitie hath beene ſpoken of before, as it relates to the Cauſe; now it is conſidered as it relates to the Perſon; if there were any neceſſitie, it was of his owne making; he by his evill counſell had brought the King into a neceſſitie, and by no Rules of Iuſtice, can be allowed to gaine this advantage by his owne fault, as to make that a ground of his juſtification, which is a great part of his offence.

5. He hath often inſinuated this, That it was for his Majeſties ſervice in maintenance of that Soveraigne Power with which he is intruſted by God for the good of his people. The Anſwer is this, No doubt but that Soveraigne Power wherewith his Majeſtie is intruſted for the publique good, hath many glorious effects, the better to inable him thereunto; But without doubt this is none of them, That by his owne will he may lay any Taxe or Impoſition upon his people without their conſent in Parliament. This hath now been five times adjudged by both Houſes: In the Caſe of the Loanes, In condemning the Commiſſion of Exciſe, In the Reſolution upon the Saving offered to be added to the Petition of Right, In the ſentence againſt Manwaring, and now lately, In condemning the Shipmoney; And if the Soveraigne power of the King can produce no ſuch effect as this, the Allegation of it is an Aggravation, and no Diminution of his offence,

offence, becauſe thereby he doth labour to interest the King against the juſt grievances and complaint of the People.

6. This Counſell was propounded with divers limitations, and Proviſions; for ſecuring and repairing the libertie of the people. This implies a contradiction to maintaine an Arbitrary and abſolute Power, and yet to reſtraine it with limitations, and proviſions; for even thoſe limitations and proviſions will be ſubject to the ſame abſolute Power, and to be diſpenſed in ſuch manner, and at ſuch time, as it ſelfe ſhall determine; let the grievances and oppreſſions be never ſo heavy, the Subject is left without all remedie, but at his Majeſties owne pleaſure.

7 He alledgeth, they were but words, and no effect followed. This needs no anſwer, but that the miſerable diſtempers into which he hath brought all the three Kingdomes, will be evidence ſufficient that his wicked Counſels have had ſuch miſchievous effects within theſe two or three laſt yeeres, that many yeeres peace will hardly repaire thoſe loſſes, and other great miſchiefes which the Common-wealth hath ſuſtained.

Theſe excuſes have been collected out of the ſeverall parts of his Defence; perchance ſome others are omitted, which I doubt not have beene anſwered by ſome of my Collegues, and are of no importance, either to perplex or to hinder your Lordſhips judgement, touching the hainouſneſſe of this Crime.

The ninth Conſideration is this, That if this be Treaſon, in the nature of it, it doth exceed all other Treaſons in this, that in the Deſigne, and endeavour of the Author, it was to be a conſtant & permanent Treaſon; other Treaſons tranſient, as being confined within thoſe particular Actions and Proportions wherein they did conſiſt, and thoſe being paſt, the Treaſon ceaſeth.

The Powder-treaſon was full of horror and malignity, yet it is paſt many yeeres ſince; The murder of that Magnanimous and glorious King, Henry the fourth of France, was a great and horrid Treaſon; And ſo were thoſe manifold attempts againſt Qu. Elizabeth of bleſſed memory; but they are long ſince paſt, the Deteſtation of them onely remaines in Hiſtories, and in the

minds of men; and will ever remaine; But this Treason, if it had taken effect, was to be a standing, perpetuall Treason, which would have beene in continuall act, not determined within one time or age, but transmitted to Posterity, even from one generation to another.

10 The tenth consideration is this, That as it is a Crime odious in the nature of it, so it is odious in the judgement and estimation of the Law; to alter the setled frame and constitution of Government, is Treason in any estate; The Lawes whereby all other parts of a Kingdome are preserved, should be very vaine and defective, if they had not a power to secure and preserve themselves.

The forfeitures inflicted for Treason by our Law, are of Life, Honor, and Estate, even all that can be forfeited, and this Prisoner having committed so many Treasons, although he should pay all these forfeitures, will be still a Debtor to the Common-wealth: Nothing can be more equall, then that hee should perish by the Iustice of that Law which hee would have subverted; Neither will this be a new way of blood; There are markes enough to trace this Law to the very originall of this Kingdome: And if it hath not beene put in execution, as he allegeth, this 240. yeers, it was not for want of Law, but that all that time hath not bred a man bold enough to commit such Crimes as these; which is a circumstance much aggravating his offence, and making him no whit lesse liable to punishment, because he is the onely man that in so long a time hath ventured upon such a Treason as this.

It belongs to the charge of another to make it appeare to your Lordships, that the Crimes and offences proved against the Earle of Strafford, are High Treason by the Lawes and Statutes of this Realme, whose learning and other abilities are much better for that service. But for the time and manner of performing this, we are to resort to the Direction of the house of Commons, having in this which is already done, dispatched all those instructions which we have received; and concerning further proceedings, for clearing all Questions and Objections in Law, your Lordships will heare from the House of Commons in convenient time.

FINIS.

Mr. Speakers SPEECH,

WITH

HIS MAJESTIES

SPEECH

TO BOTH HOUSES

OF

PARLIAMENT,

At the passing of the Bill

for *Tonnage* and *Poundage*:

BEING

An Answer to Mr. SPEAKERS

Speech at the presenting thereof,

22. *June* 1641.

Printed in the yeare, 1641.


C R
HONI SOIT QVI MAL Y PENSE

Mr. SPEAKERS SPEECH In the LORDS Houſe of Parliament, *June* 22. 1641.

THat policy, moſt gratious and dread Soveraigne, which weighs the Prerogative of the King and property of the Subject in the ſame Scales, and increaſes the plenty of the Crowne, and contentment of the people; the even poiſing of this Beame enables both, the one being ordained for the preſervation of the other.

This principle is ſo riveted into the hearts of your Subjects by the Acts of their Anceſtours, & traditions of their fore-fathers, that it hath created a beliefe in them, that their wills are bound to a due allegiance, and their fortunes and eſtates, as well as their duty and ſubjection, muſt bend to the Commands of that Soveraigne power with which God hath inveſted your ſacred Majeſtie.

Compulſary obedience, advanced by the tranſcendent power of Prerogative, is too weake to ſupport the right of government: It is the affections & eſtates of your people, tyed with the threads of obedience, by the rules of Law, that faſtens ſafety and proſperity to the Crowne.

The experiment of elder times, in the raignes of

the moſt valiant puiſſant Princes, hath concluded this the Soveraigne preſervative againſt the diſeaſes of diſtraction and confuſion, and makes it manifeſt to the world, that the honour and glory of this Throne is to command the hearts of free-men.

This admitted, the permiſſion of the leaſt diminution, or any eclipſed interpoſition betweene the honour and plenty of the Crowne, contracts a Scorne upon the Nation.

Severall Parliaments in former times have ſtampt the Character of a free gift upon the fore-front of this aid, ſtill offered by the people, as a ſacrifice of thanks-giving to the Crowne, for the ſafe conduct of your Merchants, and proviſion of the Navie, to ſtrengthen your undoubted dominion over the ſeas, which hath protected your Allyes, and is a terrour to your Enemies.

Our hopes were long ſince to have ſettled this for the meaſure and the time, and with this to have preſented to your ſacred Majeſtie the triumphant palme of Tranquillity in all your Kingdomes: But, as a ſhip floating upon a rough Sea, we have been caſt upon the Rock of feare and dangers, and toſſed on the Billows of diſtraction and diſtruſt of Church and Commonwealth, where we yet remaine hopeleſſe ever to paſſe through that narrow channell which leads to the Haven of Peace, unleſſe we be ſpeedily ſteered on by the hand of your ſacred wiſdome, care and providence.

In the midſt of all theſe troubles, and the ſeverall opinions which have beene amongſt us, no diviſion had power to diſtract any one of us from the care and duty we owe to your ſacred Perſon.

And

And, to that end am I now ſent by the Commons of England, to preſent this as a Marke onely, whereby your ſacred Majeſtie may view the inward duties of our hearts, untill time and opportunity will give leave for a further expreſſion of our duties and affections. The acceptation of this Gift will glad the hearts of your people, and the approbation by the royall aſſent of this Bill (being the largeſt for the meaſure which was ever given) will joyne wings to our deſires and hopes, which ſhall never returne without that Olive-leafe, which may declare that the waters are abated, and your ſacred Majeſtie may have full aſſurance of the faith and loyaltie of your Subjects.

FINIS.

His MAJESTIES Speech to both houſes of Parliament, June 22. 1641.

I Do very willingly accept your offer made at this time, as a teſtimonie of your love, and beginning of your dutifull affections unto mee; And I no way doubt, but that you will performe that which you have intimated unto mee, and that in due time you will performe the reſt, when you have leiſure.

I doe not doubt likewiſe, but that in paſſing this Bill you will ſee a teſtimonie of the truſt and confidence I have in your affections, as alſo that I omit no occaſion whereby I may ſhew that affection to my People, that I deſire my people would ſhew to mee, as in this Parliament hitherto no bodie can ſay but that I have ſought occaſions both to ſhew my affections unto them, and to remove diſputes.

And therefore in this particular Bill I hope you

you wil know that I do freely & frankly give over the right which my Predeceſſours have ever challenged unto them (though I confeſſe diſputed, but yet they did never yeeld in their times); Therefore you will underſtand this but a marke of my confidence to put my Selfe wholly upon the love & affection of my people for my ſubſiſtence; And therefore I hope that in proſecution of this, you will go on as you have ſaid; and that, though you have rumors of jelouſies and ſuſpitions, by flying and idle diſcourſes, that have come to my eares, concerning the ordinary way, I confeſſe I never underſtood otherwiſe then as having relation to the Scotiſh armie, and preventing Inſurrection; which vaniſhed as ſoone as they were borne.

And therefore now you ſee my clearneſſe, I will leave that to you, and will not meddle with it one way or other, for I never had other deſigne but to win the affections of my people by my Juſtice in my Government.

FINIS.

AN

ARGUMENT

OF

LAW

CONCERNING

The BILL of ATTAINDER

OF

High-Treaſo

OF

THOM

Earle of *Stra*

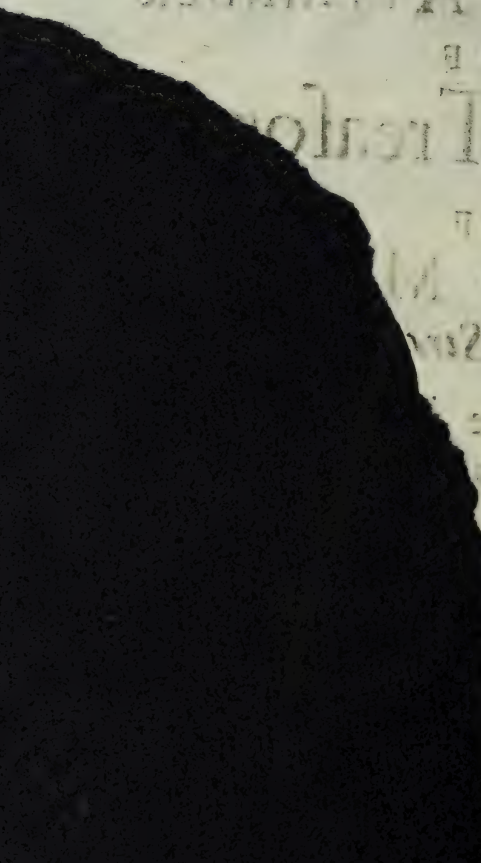
At a Conference
of both Houſes

By Mr. St. JOHN
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Mr. St. John's Argument.

My Lords,

THE Knights, Citizens, and Burgesses of the Commons House of Parliament have passed a Bill for the attainting of *Thomas* Earle of *Strafford* of High-Treason. The Bill hath beene transmitted from them to your Lordships. It concernes not him alone, but your Lordships and the Commons too, though in different Respects.

It is to make him as miserable a man, as man or Law can make him.

Not losse of life alone, but with that, of honour, name, posterity, and estate; Of all that's deare to all.

To use his owne expression, an eradication of him both root and branch, as an *Achan*, a troubler of the State, as an execrable, as an accursed thing.

This Bill, as it concernes his Lordship, the highest that can be in the penall part, so doth it on the other side as highly concerne your Lordships and the Commons in that which ought to be the tendrest, the Judicatory within, that that judge not them, who judge him: And in that which is most sacred amongst men, the publick Justice of the Kingdome.

The Kingdome is to be accounted unto for the losse of the meanest member, much more for one so neare the head.

The Commons are concerned in their Account for what is done, your Lordships in that which is to be done.

The businesse therefore of the present Conference, is to acquaint your Lordships with those things that satisfied the Commons in passing of this Bill, such of them as have come

within my capacity, and that I can remember, I am commanded from the Commons at this time to present unto your Lordships.

My Lords, in Judgements of greatest moment, there are but two wayes for satisfying those that are to give them, Either the *Lex lata*, the Law already established, Or else the use of the same power for making new Lawes, whereby the old at first received life.

In the first consideration, of the setled Lawes; In the degrees of punishment the positive Law received by generall consent, and for the common good, is sufficient to satisfie the conscience of the Judge in giving judgement according to them.

In severall Countreys there is not the same measure of punishment for one and the same offence. Wilfull murder in *Ireland* is Treason, and so is the wilfull burning of a house or stack of Corne. In the Isle of *Man*, it's felony to steale a Hen, but not to steale a Horse; and yet the Judge in *Ireland* hath as just a ground to give judgement of high Treason in those Cases there, as here to give judgement only of felony, and in the Isle of *Man* of felony for the Hen, as here of petty Larceny.

My Lords, in the other consideration of using the Supreame power, the same Law gives power to the Parliament to make new Lawes, that enables the inferiour Court to judge according to the old. The rule that guides the conscience of the Inferiour Court is from without, the prescripts of the Parliament and of the Common Law; in the other the rule is from within; That *salus populi* be concerned; That there be no wilfull oppression of any the fellow members, that no more blood be taken than what is necessary for the Cure; the Laws and Customes of the Realme as well enable the exercise of this, as of the ordinary and judiciall power.

My Lords, what hath beene said, is because that this proceeding of the Commons by way of Bill, implyes the use of the meere *Legislative* power, in respect new Lawes are for the most part past by Bill.

This, my Lords, though just and Legall, and therefore not wholly excluded, yet it was not the only ground that put the

Commons

Commons upon the Bill, they did not intend to make a new Treason, and to condemne my Lord of *Strafford* for it, they had in it other Considerations likewise, which were to this effect.

1 First, the Commons knew that in all former ages, if doubts of Law arose upon cases of great and generall Concernment, the Parliament was usually consulted withall for resolution; which is the reason that many Acts of Parliament are only declarative of the Old Law, not introductive of a new, as the great Charter of our Liberties; the Statute of the five and twentieth yeere of *Edward* the third, of Treasons; the Statute of the Prerogative, and of late the petition of Right. If the Law were doubtfull in this Case, they conceived the Parliament (where the old may bee altered, and new Lawes made) the fittest Judge to cleare this doubt.

2 Secondly, my Lords, they proceeded this way to out those scruples and delayes, which through dis-use of proceedings of this nature might have risen in the manner and way of proceeding, since the Statute of the first of *Henry* the fourth, the seventeenth chapter, and more fully in the Roll, number 144. The proceedings in Parliament have usually beene upon an Inditement first found, though in Cases of Treason particularly mentioned in the Statute of the five and twentieth yeare of *Edward* the third, which had not beene done in this Case: Doubts likewise might rise for Treasons, not particularly mentioned in the Statute of 25. *Edw.* 3. whether the declaratory power of Parliament be taken away, and if not taken away, in what manner they were to be made, and by whom. They finde not any Attainders of Treason in Parliament for neere this 200 yeeres, but by this way of Bill. And againe, they knew that whatsoever could be done any other way, it might be done by this.

3 Thirdly, in respect of the proofes and depositions that have beene made against him; for first, although they knew not but that the whole Evidence which hath beene given at the Barre, in every part of it is sufficiently comprehended within the Charge, yet if therein they should be mistaken, if it should prove otherwise, use may justly be made of such Evidence in this way of Bill, wherein so as Evidence be given in, it's no

way requisite that there should have beene any Articles of Charge at all. And so in the Case of double Testimony upon the Statute of the first of *Edward* the sixt, whether one direct witnesse with others to Circumstances, had beene single or double Testimony; and although single Testimony might be sufficient to satisfie private Consciences, yet how farre it would have been satisfactory in a judiciall way where forms of Law are more to be stood upon, was not so cleare; whereas in this way of Bill private satisfaction to each mans Conscience is sufficient, although no evidence had been given in at all.

My Lords, the proceeding by way of Bill, it was not to decline your Lordships Justice in the judiciall way; In these Exegencies of the State and Kingdome, it was to husband time by silencing those doubts: they conceived it the speediest and the surest way.

My Lords, These are in effect, the things the Commons took into their Consideration, in respect of the manner, and way of proceeding against the Earle. In the next place I am to declare unto your Lordships, the things they took into their Consideration, in respect of the matter and merits of the Cause; They are comprehended within these six heads.

1. That there is a treason within the Statute of 25. *E.* 3. by Levying of warre upon the matter of the fifteenth Article.

2. If not by actuall levying of war, yet by advising and declaring his intention of war, and that by *Savils* warrant, and the advice of bringing over the Irish army, upon the matter in the 23 Article; The intending of a Warre, if not within the Clause of Levying Warre in the statute of 25. *E.* 3. yet within the first treason of compassing the death of the King.

3. If neither of these two single Acts be within the Statute of 25. *E.* 3. yet upon putting all together, which hath been proved against him, That ther's a Treason within the first clause of compassing the death of the King.

Et si non prosunt singula, juncta juvant.

4. That he hath selled and laid Souldiers upon the Subjects of *Ireland* against their will, and at their Charge, within the *Irish* Statute of the eighteenth yeare of *Henry* the sixt. That both person and thing are within the Statute, That the statute remaines in force to this day, That the Parliament here hath

Cogni-

Cognizance of it. And that even in the ordinary way of Judicature, that if there be a Treason, and a Traitor, that the want of jurisdiction in the Judicall way, may justly be supplied by Bill.

5. That his endeavouring to subvert the fundamentall Lawes and Governement of the Realmes of *England* and *Ireland*, and instead thereof, to introduce a tyrannicall Government against Law, is Treason by the Common law, That Treasons at the Common Law are not taken away by the Statutes of 25. *E.* 3. 1. *H.* 4. *c.* 10. 1. *Mar. c.* 1. nor any of them.

6. That as this Case stands, It's just and necessary to resort to the Supreame power in Parliament, in case all the rest should faile.

Of these six, five of them are Treason, within the Compasse of the Lawes already established, Three within the Statute of 25. *E.* 3. One within the *Irish* Statute, the other by the Common Law of *England*.

If but any one of these six Considerations hold, The Commons conceive that upon the whole matter they had good cause to passe the Bill.

My Lords, for the first of levying Warre, I shall make bold to read the Case to your Lordships before I speak to it; it's thus:

The Earle did by warrant under his hand and Seale give authority to *Robert Savill* a Serjeant at Arms, and his Deputies, to sesse such number of Souldiers, horse and foot of the Army in *Ireland* together with an officer, as the Serjeant should think fit, upon his Majesties Subjects of *Ireland* against their will: This warrant was granted by the Earle to the end to compell the Subjects of *Ireland* to submit to the unlawfull Summons and orders made by the Earle upon paper Petitions exhibited unto him in case of private Interest betweene party and party; This warrant was executed by *Savill* and his Deputies by sessing of Souldiers both horse and foot, upon divers of the Subjects of *Ireland* against their will in warlike manner, and at divers times the Souldiers coutinued upon the parties upon whom they were sessed, and wasted their goods, until such time as they had submitted themselves unto those Summons and orders.

My

My Lords, This is a levying of warre within the ſtatute of 25°. *E.* 3. The words of the Statute are, *If any man doe levy warre againſt our Lord the King in his Realm*, this is declared to be Treaſon.

I ſhall indeavour in this to make it appeare to your Lordſhips.

1 What ſhall be a levying of Warre, in reſpect of the motive or cauſe of it.

2 What ſhall be ſaid a levying of warre in reſpect of the Action or thing done.

3 And in the third place, I ſhall apply them to the preſent Caſe.

It will be granted in this of levying of warre, That forces may be raiſed and likewiſe uſed in a war-like manner, and yet no levying of warre within the Statute, that is, when the forces are raiſed and imployed upon private ends either of revenge or intereſt.

Before this Statute in *E.* 1. time. The Title of a Caſtle was in difference between the Earles of *Hereford* and *Gloſter*, for the mainetaining of the poſſeſſion on the one ſide, and gayning of it on the other, Forces were raiſed on either ſide of many hundred men, they marched with Bannets diſplayed one againſt the other. In the Parliament in the 20. yeere of *Edw.* 1. this adjudged onely treſpaſſe, and either of the *Earles* fined 1000. markes a peece.

After the Statute in Hillary Terme, the fiftieth yeere of *Edward* the third, in the *Kings Beneh*, *Rot.* 3. *Nicholas Huntercome* in a war-like manner, with 40 men armed, amongſt other weapons, with Gunnes (ſo ancient as appeares by that Record they were) did much ſpoyle in the Mannour of the *Abbee* of *Dorcheſter*, in the *County* of *Oxford*: This no Treaſon: So it hath beene held by the Judges, that if one or more Townſhips upon pretence of ſaving their Commons, doe in a forcible and war-like manner, throw in Incloſures; This is only a Riot, no Treaſon.

The words of the Statute of 25. *Edw.* 3. cleare this Point, that if any man ride armed openly or ſecretly with men at Armes againſt any other to kill and robbe, or to detaine him untill he hath made fine and ranſome for his deliverance; this

is

is declared not to be Treason, but Fellony or Trespasse, as the case shall require, all the printed Statuts which have it covertly or secretly are mis-printed; for the words in the Parliament Roll, as appeares *n.*17. are *Discovertment ou secreretment* openly or secretly.

So that my Lords, in this of levying warre, the Act is not so much to be considered, but as in all other Treasons and Fellonies, *quo animo*, with what intent and purpose.

Obj. My Lords, If the end be considerable in levying warre, it may be said, that it cannot be a Treason warre, unlesse against the King: For the words of the statute are, *If any man levy warre against the King.*

Ans. That these words extend further then to the Person of the King appears by the words of the Statute, which in the begining declares it to be Treason to compasse & imagine the Kings death, and after other Treasons, this is to be declared to be Treason to levy war against the King. If the levying of war extend no further then to the person of the King, these words of the Statute are to no purpose, for then the first Treason of compassing the Kings death had fully included it before, because that he which levies war against the person of the King doth necessarily compasse his death.

Its a warre against the King when intended for alteration of the Lawes or Government in any part of them, or to destroy any of the great Officers of the Kingdome. This is a levying of War against the King.

1 Because the King doth protect and maintaine the Laws in every part of them, and the great Officers to whose care he hath in his own steed delegated the Execution of them.

2 Because they are the Kings Lawes, He is the Fountaine from whence in their severall Channels they are derived to the Subject; all our inditements run thus, Trespasses laied to be done, *Contra pacem Domini Regis*, the Kings peace for exorbitant offences, though not intended against the Kings Person, against the King his Crowne and Dignity.

My Lords, this construction is made good by diverse Authorities of great weight ever since the statute of 25. *E.* 3. downwards.

In *R.* the 2ds. time Sir *Thomas Talbot* conspired the death of the Dukes of *Gloceſter* and *Lancaſter*, & some other of the Peeres; for the effecting of it, he had caused diverse people in the County of

Cheſter to be armed in warre-like manner, in Aſſemblies. In the Parliament held the ſeventeenth yeere of *Richard* the ſecond, number the 20. Sir *Thomas Talbot* accuſed of high Treaſon for this; Its there declared, that inſomuch as one of them was Lord high Steward of *England*, and the other high Conſtable of *England*, that this was done in deſtruction of the eſtates of the Realme, and of the Lawes of the Kingdome, and therefore adjudged Treaſon; and the judgement ſent downe into the Kings Bench, as appeares in *Eaſter-Tearme* in the ſeventh yeer of *Richard* the ſecond in the Kings Bench, *Rott.* 16. Theſe two Lords had appeared in the eleventh yeere of *Richard* the ſecond in mainetenance of the Act of Parliament made the yeere before; one of them was of the Commiſſioners appointed by Parliament, and one of the Appellours of thoſe that would have overthrowne it: The Duke of *Lancaſter* likewiſe was one of the Lords that was to have beene indicted of Treaſon for endeavouring the maintenance of it, and therefore conſpiring of their deaths is ſaid to be in deſtruction of the lawes; This there declared to be a Treſon that concerned the Perſon of the King and the Commonwealth.

In that great inſurrection of the Villains and meaner people in *Richard* the ſeconds time, they tooke an oath, *Quod Regi & Comunibus fidelitatem ſervarent*, to be true to the King and Commons, that they would take nothing but what they paid for, puniſhed all theft with death, here's no intendment againſt the perſon of the King; The intent was to aboliſh the Law of villainage and ſervitude, to burne all the Records, to kill the Judges; this in the Parliament of the fifth yeere of *Richard* the ſecond, number the one and thirtieth and two and thirtieth, the firſt part, is declared to be Treaſon againſt the King and againſt the Law.

In the eleventh yeere of *Richard* the ſecond, in Parliament the raiſing of forces againſt the Commiſſioners appointed by act of Parliament the yeere before adjudged Treaſon by all the Judges.

The Statute of 1. *Mar. cap.* 12. enacts that if twelve or more ſhall indeavour by force to alter any of the Lawes or Statutes of the Kingdome, hee ſhall from ſuch a time there limited be adjudged onely as a fellon; This act was to continue but to the next Parliament, it is expired; it ſhewes by the words onely

that

that the offence was higher before the making of it.

My Lords, In Queene *Elizabeths* time, *Grant* and divers Prentices of *London*, to the number of 200. rose and assembled at Tower-hill, carried a Cloake upon a Pole instead of a banner, their intent was to deliver divers Prentices out of prison that had beene committed upon a sentence in Star-Chamber for ryots, To kill the Lord Major of *London*, and for setting prizes on victuals. In *Trinity Tearme* 37. *Eliz.* divers of the Judges consulted withall, and resolved that this was a levying of warre against the Queene, being intended against the government and officers of the Queene, and thereupon *Grant* and others executed as Traitors.

Afterwards in that Queenes time, divers of the County of *Oxford* consulted together to goe from house to house in that County, and thence to *London* & other parts to excite them to take Armes for the throwing in of all inclosures throughout *England*, nothing was done, nor no Assembly: The Statute of 13. *Eliz. cap.* 1. during the Queenes life made it Treason to intend or advise to levy war against the Queene.

In *Easter Tearme*, 39. *Eliz.* All the Judges of *England* met about the case, it was resolved by them, that this was a warre intended against the Queen, they agreed that if it had beene of one Towneship or more upon private interest and claime of right of Common, it had not bin Treason; But this was to throw in all inclosures thorough the Kingdome, wherto these parties could pretend no claime; that it was against the Law, in regard that the Statute of *Merton* gave power of Inclosures in many Cases. Upon this Resolution *Bradshaw* and *Burton* were executed at *Aynestowe* hill in *Oxford-shire*, the place where they intended their first meeting.

So that, my Lords, if the end of it be to overthrow any of the Statutes, any part of the Law and setled Governement, or any of the great Officers intrusted with the execution of them; this is a warre against the King.

My Lords, it will be further considerable, what shall be accounted a leavying of warre in respect of the Actions & things done; There's a designe to alter some part of the Lawes and present Governement, for the effecting thereof people be provided of Armes, gathered together into troopes, but afterwards march not with Banners displayed, nor doe *Bellum percutere*.

Whether the arming themſelves and gathering together upon this Deſigne, whether this be a warre or ſuch proſecution of the Deſigne with force as makes it Treaſon within the Statute?

Firſt, If this be not a Warre in reſpect that it neceſſarily occaſions hoſtile preparations on the other ſide?

2. From the words of the Statute, ſhall levy warre, & be thereof probably attainted of open Deed by people of their Condition, although the bare conſpiring be not an open Deed, yet whether the arming and drawing men together be not an open Declaration of Warre?

In Sir *Thomas Talbots* caſe before cited in the ſeventeenth yeere of *Richard* the ſecond, The Acts of force are expreſſed in the Parliament Roll: That he cauſed divers of the people of the County of *Cheſter* to be armed in a war-like manner in aſſemblies; heere is no marching, no banners diſplayed.

In the eighth yeer of *Henry* the 8th. *William Bell* and *Thomas Lacy* in *Com' Kanc.* conſpired with *Thomas Cheney*, called the *Hermite* of the Queene of Fairies, to overthrow the Lawes and cuſtomes of the Realme, and for the effecting of it, they with two hundred more met together, and concluded upon a courſe of raiſing greater forces in the county of *Kent*, and the adjacent Shires: this adjudged Treaſon, theſe were open Actes.

My Lords, for the application of both theſe to the Caſe in queſtion

Firſt in reſpect of the end of it, here was a warre againſt the King, It was to ſubvert the Lawes, This being the deſigne, for the effecting of it, he aſſumed to his own perſon, an arbitrary power over the lives, liberties and eſtates of his Majeſties Subjects, and determined Cauſes upon paper petitions at his own will and pleaſure, obedience muſt be forced by the Army, this declared by the Warrant.

2 My Lords, if it be ſaid, That the Warrant expreſſeth not any intent of ſubverting the Lawes, It expreſſeth fully one of the principall meanes whereby this was to be done, that is, obedience to his arbitrary orders upon paper petitions, this was done in reference to the maine deſigne.

In the Caſes of the Towne of *Cambridge* and Sr. *William Cogan*, that have formerly been cited to your Lordſhips, upon other occaſions, the things in themſelves were not Treaſon,

they

they were not a levying of Warre.

In that of *Cambridge*, the Town met together, and in a forcible manner broke up the Universitie treasury, and tooke out of it the Records and Evidence of the liberties of the Vniversity over the Town.

In the other, they of *Bridgewater* marched to the Hospitall, and compelled the Master of the Hospitall to deliver unto them certaine Evidences that concerned the Towne, and forced him to enter into a bond of two hundred pound.

These, if done upon these private ends alone, had not been Treason, as appeares by the very words of the Statute of 25. *Edw.* 3. before mentioned of marching openly or secretly.

But my Lords, these of *Cambridge* and *Bridgewater*, they were of the conspiracy with the villaines, as appeares in the Parliament Roll of the first yeare of *Richard* the second, number the one and thirtieth, and two and thirtieth, where the Towns of *Cambridge* and *Bridgewater* are expresly excepted out of the generall pardon made to the Villaines. This being done in Reference to that designe of the villaines of altering the Lawes, this was that which made it Treason.

If the designe went no further then the enforcing obedience to these paper orders made by himselfe, It was sufficient, it was to subvert one fundamentall part of the Lawes, nay in effect the whole Law: what use of Law if he might order and determine of mens estates at his own pleasure? This was against the Law notoriously declared in *Ireland*.

In the close roll in the Tower, in the five and twentieth yeere of *Ed.* 1. a Writ went to the Justices in *Ireland* (that Kingdome at that time was governed by Justices) declaring that upon petitions they were not to determine any titles betweene party and party upon any pretence of profit whatsoever to the King.

6 In the eight and twentieth yeare of *Henry* the sixt, the second Chapter, Suites in equity, not before the Deputy, but in Chancery, Suits at Common Law, not before him, but in Cases of life in the Kings Bench, for title of land or goods in the proper Courts of the Common pleas, or Kings Bench.

This declared in the Instructions for *Ireland* in the latter end of King *James* his time, and by the Proclamation in his Majesties time, my Lord took notice of them, called the Commissioners narrow-hearted Commissioners.

The Law said, he should not thus proceed in subversion of it; he saith, he will, and will enforce obedience by the Army. This is as much in respect of the end, as to endevour the overthrow of the Statutes of Laborers, of victuals, or of *Merton* for Inclosures. Here is a warre against the King in respect of the end.

2 In respect of the Actions, whether there be either a levying of war, or an open deed, or both.

My Lords, there was an Army in *Ireland* at that time of two thousand horse and foot, by this Warrant there is a full designation of this whole Army, and an Assignement of it over unto *Savill* for this purpose. The Warrant gives him power from time to time to take as many souldiers, horse and foot, with an Officer, throughout the whole Army, as himselfe shall please, heere is the terrour and awe of the whole Army to enforce obedience. My Lords, if the Earle had armed two thousand men, horse and foot, and formed them into companies to this end, your Lordships would have conceived that this had been a war, It's as much as in the case of Sir *Thomas Talbot* who armed them in assemblies.

This is the same with a breach of trust added to it. That Army was first raised and afterwards committed to his trust for defence of the people, is now destined by him to their destruction. This assignation of the Army by his Warrant under his hand & seale is an open Act.

2. My Lords, heer's not onely an open act done but a levying of war, souldiers both horse and foot, with an Officer in warlike manner sessed upon the subject, which killed their Cattell, consumed and wasted their goods.

Ob. O, but five or sixe were the most imployed at any time, a mighty warre of six men, scarce a Ryot.

Ans. Your Lordships observe a great difference where six single men goe upon a designe alone, and when sent from an Army of six hundred, all engaged in the same service, so many were sent as were sufficient to execute the command; if upon a poore man fewer, more upon a rich; if the six had not beene able, the whole Army must make it good; the reason that the Sheriffe alone, or but with one Bayliffe to doe execution, is, because he hath command of the Law, the Kings Writ and the *posse Comitatus* in case of Resistance; heer's the warrant of the Generall of an Army, heer's the *posse exercitus*,

exercitus, the power of the Army, under this awe of the whole Army, six may force more then sixty without it, and although never above six in one place, yet in the severall parts of the Kingdome at the same time might be above sixty; for sessing of souldiers was frequent, it was the ordinary course for execution of his orders.

The Lord Lievtenant of a County in *England* hath a designe to alter the Lawes and government, nay admit the design goes not so high, he onely declares thus much, that he will order the freeholds and the estates of the Inhabitants of the County at his owne will and pleasure, and doth accordingly proceed upon paper petitions; foreseeing there will be disobedience, he grants out warrants under his hand and seale to the deputy Lievtenants and Captaines of the traine bands, that upon refusall they shall take such number of the traine bands thorow the County with Officers, as they shall think good, and lay them upon the lands and houses of the refusers; Souldiers in a warlike manner are frequently sessed upon them accordingly. Your Lordships doe conceive that this is a levying of Warre within the Statute.

The Case in question goes further in these two respects.

1 That it is more against the declared Law in *Ireland*, not only against the Common Law, but likewise against the Statute of the eight and twentieth yeare of *Henry* the sixt, against the Acts of the Commissioners, against Proclamations in pursuance of the Law, against that himselfe took notice of, Narrow hearted Commissioners.

2 In this that here was an Army, the Souldiers, Souldiers by profession, Acts of hostility from them of greater Terror than from free-holders of the same County.

My Lords, I have now done with the first of levying warre.

2 The second is the machination, the advising of a warre; The case in this rests upon the warrant to *Savill*, and the advice in the 23 Article.

The Warrant shewes a resolution of employing the old Army of *Ireland*, to the oppression of his Majesties Subjects and the Lawes.

In the 23 Article, having told his Majesty that hee was loosed and absolved from rules of Government, and might doe every thing which power might admit, he proceeded further in speech

to

to his Majesty, in these words; You have an Army in *Ireland* you may employ to reduce this Kingdome.

My Lords, both being put together, there's a machination, a practise, an advise to levie warre, and by force to oppresse and destroy his Majesties Subjects.

Obj. It hath beene said, the Statute of 25. *Edw.* 3. is a penall Law, and cannot bee taken by equity and construction, there must be an actuall warre; the Statute makes it Treason to counterfeit the Kings Coyne, the conspiring the raising of furnaces is no Treason, unlesse he doth *nummum percutere*, actually coyne.

Answ. My Lords, this is onely said, not proved, the Law is otherwise, 1 9. of *Henry* the sixt, fol. 47. there adjudged that the conspiring and ayding to counterfeit coyne was Treason; and Justice *Stamford* fol. 3. & 44. is of opinion, That this, or conspiring to counterfeit the great Seale is Treason. The Statute is, If any shall counterfeit the great Seale, conspiring to doe it by the book, is Treason; if a man take the broad Seale from one Pattent, and put it to another, here is no counterfeiting, it's *tuntamount*, and therefore Treason, as is adjudged in 2. *Henry* 4. *fo.* 25. and by the opinion of *Stamford*.

If machination or plotting a warre be not within that clause of the Statute of levying warre, yet it's within the first of compassing the death of the King, as that which necessarily tends to the destruction both of the King and of the people, upon whose safety and protection hee is to engage himselfe: That this is Treason, hath beene adjugded both after the Statutes of the first of *Henry* the fourth, chapter the tenth, and the first of Queene *Mary*, the first chapter, so much insisted upon on the other side. In the third yeare of King *Henry* the fourth, one *Balshall* comming from *London*, found one *Bernard* at plough in the parish of *Ofley* in the Connty of *Hertford*; *Bernard* asked *Balshall*, what news, hee told him the newes was, That King *Richard* the second was alive in *Scotland* (which was false, for hee was then dead) and that by *Midsomer* next he would come into *England*; *Bernard* asked him, what was best to be done; *Balshall* answered, get men, and goe to King *Richard*. In *Michaelmas* Terme, in the third yeare of *Henry* the fourth, in the Kings Bench, rot. 4. this advise of warre adjudged Treason.

In

In Queene *Maries* time, Sir *Nicholas Throgmorton* conſpired with Sir *Thomas Wyat* to levie warre within this Realme for alteration in Religion, he joyned not with him in the execution. This Conſpiracy alone declared to bee Treaſon by the Judges. This was after the Statute of the firſt of Queene *Mary* ſo much inſiſted upon. That Parliament ended in *October*, this opinion was delivered the *Eaſter*-Terme after, and is reported by Juſtice *Dyer*, *fo.* 98. It's true, Sir *Thomas Wyat* afterwards did levie warre, Sir *Nicholas Throgmorton* hee onely conſpired, this adjudged Treaſon.

Storie, in Queene *Elizabeths* time, practiſed with Forreiners to levy warre within the Kingdome, nothing done in purſuance of the practiſe; The intent without any adhering to Enemies of the Queene or other cauſe, adjudged to bee Treaſon, and hee executed thereupon. It's truemy Lords, that yeare 13. *Elizabeth* by Act of Parliament, it's made Treaſon to intend the levying of warre; this caſe was adjudged before the Parliament. The caſe was adjudged in *Hillary* Terme, the Parliament began not untill the *April* following; This my Lords, is a caſe adjudged in point, That the practiſing to levy warre, though nothing be done in execution of it is Treaſon.

Obj. It may be objected that in theſe Caſes, the conſpiring being againſt the whole Kingdome included the Queene, and was a compaſſing her deſtruction, as well as of the Kingdomes; here the advice was to the King.

Anſ. 1. The anſwer is, firſt, that the warrant was unknowne to his Majeſty, that was a machination of warre againſt the people and Laws, wherein his Majeſties perſon was engaged for protection.

2. That the advice was to his Majeſty, aggravates the offence, it was an Attempt not only upon the Kingdome, but upon the Sacred perſon, and his office too; himſelfe was *hoſtes patriæ*, hee would have made the Father of it ſo too; nothing more unnaturall, more dangerous; To offer the King poyſon to drink, telling him that it is a Cordiall, is a compaſſing of his death.

The poyſon was repelled, there was an antidote within, the malice of the giver beyond expreſsion. The perſwading of Forreiners to invade the kingdome holds no proportion with this: Machination of warre againſt the Lawes or kingdome is againſt the King, they cannot be ſevered.

The third generall Head.

My Lords, if no actuall warre within the Statute, if the counſelling of a war, if neither of theſe ſingle Acts be Treaſon within the Statute; The Commons in the next place have taken it into their conſideration, what the addition of his other words, Counſells, and Actions do operate in the caſe, and have conceived, That with this addition all being put together, that he is brought within the Statute of 25. *Edward* 3.

The words of the Statute are, if any man ſhall compaſſe or imagine the death of the King, the words are not, if any man ſhall plot or conſult the death of the King, no my Lords, they go further than to ſuch things as are intended immediately, directly, and determinatively againſt the life and perſon of the King, they are of a larger extent; to compaſſe is to doe by circuit, to conſult or practice another thing directly, which being done, may neceſſarily produce this effect.

However it be in the other Treaſons within this Statute, yet in this by the very words there is roome left for conſtructions, for neceſſary Inferences and Conſequences.

What hath beene the judgement and practice of former times concerning theſe words of compaſsing the Kings death, will appeare to your Lordſhips by ſome caſes of attainders upon theſe words.

One *Owen* in King *Iames* his time in the 13. yeere of his raigne at *Sandwich* in *Kent*, ſpake theſe words, That King *Iames* being excommunicated by the Pope, may bee killed by any man; which killing is no murther: being asked by thoſe he ſpake to, how he durſt maintaine ſo bloody an aſſertion? he anſwered that the matter was not ſo haynous as was ſuppoſed; for the King who is the leſſer, is concluded by the Pope who is the greater; and as a Malefactor being condemned before a Temporall Judge, may bee delivered over to bee Executed;

ſo

ſo the King ſtanding convicted by the Popes ſentence of excommunication, may juſtly be ſlaughtered without fault; for the killing of the King is the execution of the Popes ſupreame ſentence, as the other is the execution of the Law: for this, judgement of High Treaſon was given againſt him, and execution done.

My Lords, here is no cleere intent appearing that *Owen* deſired the thing ſhould bee done, only Arguments that it might be done, This is a compaſsing, there is a cleere Endeavour to corrupt the judgement, to take off the bonds of conſcience, the greateſt ſecurity of the Kings life; God forbid ſaith one of better judgement than he, That I ſhould ſtretch out my hand againſt the Lords annointed, no ſaith he, the Lord doth not forbid it, you may for theſe reaſons lawfully kill the King.

Hee that denies the Title to the Crown, and plots the meanes of ſetting it upon another head, may doe this without any direct or immediate deſiring the death of him that then weares it, yet this is Treaſon, as was adjudged in 10. *Henry* 7. in the caſe of *Burton*, and in the Duke of *Norfolks* caſe. 13. *Elizabeth*.

This is a compaſsing of his death, for there can no more be two King; in one Kingdome, than two Suns in the Firmament; he that conceives a title, counts it worth ventring for, though it coſt him his life, he that is in poſſeſſion thinks it as well worth the keeping. *Iohn Sparhauke* in King *Henry* the fourths time, meeting two men upon the way, amongſt other talk ſaid, that the King was not rightfull King, but the Earle of *March*, and that the Pope would grant indulgencies to all that would aſſiſt the Earles title, and that within halfe a yeree there would be no Liveries nor Conizances of the King, that the King had not kept promiſe with the people, but had layd taxes upon them. In *Eaſter* Terme in the third yeere of *Henry* the fourth in the Kings Bench, Rot. 12. this adjudged Treaſon. This denying the title with motives though but implyedly of Action againſt it, adjudged Treaſon, this is a compaſsing the Kings death.

How this was a compaſsing the Kings death, is declared in the reaſons of the judgement; That the words were ſpoken with an intent to withdraw the affections of the people from the

King, and to excite them againſt the King, that in the end they might riſe up againſt him *in mortem & deſtructionem* of the King.

My Lords, in this Judgement and others which I ſhall cite to your Lordſhips, It appeares that it is a compaſsing the Kings death by words, to indeavour to draw the peoples hearts from the King, to ſet diſcord betweene the King and them, whereby the people ſhould leave the King, ſhould riſe up againſt him to the death and deſtruction of the King.

The caſes that I ſhall cite, prove not onely that this is Treaſon, but what is ſufficient evidence to make this good.

Upon a Commiſsion held the 18. yeere of *Edw.* 4. in *Kent*, before the *Marqueſſe of Dorſet* and others, an Inditement was preferred againſt *John Awater* of High-Treaſon, in the forme before mentioned, for words which are entred in the enditement *ſub hac forma*, That he had beene ſervant to the Earle of *Warwicke*, that though he were dead, the Earle of *Oxford* was alive, and ſhould have the government of part of the Countrey, That *Edward* whom you call King of *England*, was a falſe man, and had by art and ſubtlety ſlaine the Earle of *Warwicke* and the Duke of *Clarence* his brother, without any cauſe, who before had beene both of them attainted of High-Treaſon.

My Lords, this Inditement was returned into the Kings Bench in *Trinity* Tearme in the eighteenth yeere of *Edward* the fourth, and in *Eaſter* Tearme in the two and twentieth yeere of *Edward* the fourth he was outlawed, by the ſtay of the *outlawry*, ſo long it ſeemes the Judges had well adviſed before whether it were Treaſon or not.

At the ſame Seſsion *Thomas Heber* was indited of Treaſon for theſe words, *That the laſt Parliament was the moſt ſimple and inſufficient Parliament that ever had beene in England. That the King was gone to live in* Kent, *becauſe that for the preſent he had not the love of the Citizens of* London, *nor ſhould he have it for the future. That if the Biſhop of* Bath *and* Wels *were dead, the Archbiſhop of* Canterbury, *being Cardinall of* England, *would immediately loſe his head.* This inditement was returned into the Kings Bench in Trinity Tearme in the eighteenth yeere of *Edward* the fourth.

Afterwards

Afterwards there came a Privy Seale to the Judges to reſpit the proceedings, which as it ſhould ſeeme was to the intent the Judges might adviſe of the Caſe, for afterwards he is outlawed of high-Treaſon upon this inditement.

Theſe words were thought ſufficient evidence to prove theſe ſeverall Inditements, That they were ſpoken to withdraw the peoples affection from the King, to excite them againſt him, to cauſe riſings againſt him by the people, *in mortem & deſtructionem* of the King.

Your Lordſhips are pleaſed to conſider that in all theſe Caſes, the Treaſon was for words onely, words by private perſons, and in a more private manner, but once ſpoken and no more, onely amongſt the people, to excite them againſt the King.

My Lords, here are words, Counſels more than words, and actions too, not onely to diſ-affect the people to the King, but the King likewiſe towards the people; not once but often, not in private, but in places moſt publique, not by a private perſon, but by a Counſellor of State, a Lord Lieutenant, a Lord Preſident, a Lord Deputy of *Ireland*.

1 To his Majeſty, *That the Parliament had denied to ſupply him*; a ſlander upon all the Commons of *England* in their affections to the King and Kingdome, in refuſing to yeeld timely ſupply for the neceſsities of King and Kingdome.

2 From thence, *That the King was looſe and abſolved from rules of government, and was to doe every thing that power would admit.* My Lords, more cannot be ſaid, they cannot be aggravated, whatever I ſhould ſay would be in diminution.

3 Thence, *You have an Army in Ireland you may imploy to reduce this Kingdome.*

To counſell a King not to love his people, is very unnaturall, it goes higher, to hate them, to malice them in his heart; the higheſt expreſsions of malice, to deſtroy them by warre: Theſe coales they were caſt upon his Majeſty, they were blowne, they could not kindle in that breſt.

Thence, my Lords, having done the utmoſt to the King, hee goes to the people: At *York* the Country being met together for Juſtice, at the open Aſsizes upon the Bench, he tels them, ſpeaking

of the Justices of the Peace, *that they were all for Law, nothing but Law, but they should find that the Kings little finger should be heavier than the loines of the Law.*

They shall find, my Lords, who speakes this to the people, a Privie Counsellour; this must be either to traduce his Majesty to the people as spoken from him, or from himselfe, who was Lord Lieutenant of the County and President, intrusted with the forces and Justice of those parts, that he would imploy both this way; add, my Lords, to his words there the exercising of an arbitrary and vast Jurisdiction before he had so much as Instructions or colour of warrant.

Thence we carry him into *Ireland,* there he represented by his place the sacred person of his Majesty.

1 There at *Dublyn*, the principall City of that Kingdome, whither the Subjects of that Countrey came for Justice, in an Assembly of Peeres and others of greatest ranke, upon occasion of a speech of the Recorder of that City touching their Franchises and Legall Rights, he tels them, that *Ireland was a conquered Nation, and that the King might doe with them what he pleased.*

2 Not long after, in the Parliament 10. *Car.* in the Chaire of State, in full Parliament, againe, That *they were a conquered Nation, and that they were to expect Lawes as from a Conquerour*; before, *The King might doe with them what he would*; now, *They were to expect it, that he would put this power of a Conquerour in execution.* The Circumstances are very considerable, in full Parliament, from himselfe in *Cathedra,* to the representative body of the whole Kingdome.

The occasion adds much, when they desire the benefit of the Lawes, and that their Causes and Suites might be determined according to Law, and not by himselfe, at his will and pleasure upon paper Petitions.

3 Upon like occasion of pressing the Lawes and Statutes, That hee would make an *Act of Counsell board in that Kingdome as binding as an Act of Parliament.*

4. He made his words good by his actions, assumed and exercised a boundlesse and lawlesse Jurisdiction over the lives persons,

persons, and estates of his Majesties Subjects, procured judgement of death against a Peere of that Realme, commanded another to be hanged, this was accordingly executed, both in times of high Peace, without any processe or colour of Law.

5. By force for a long time he seised the yarne and flax of the Subjects, to the starving and undoing of many thousands, besides the Tobacco businesse, and many Monopolies and unlawfull Taxes, forced a new Oath not to dispute his Majesties royall commands, determined mens estates at his owne will and pleasure upon paper Petitions to himselfe, forced Obedience to these, not onely by Fines and Imprisonment, but likewise by the Army, sessed Souldiers upon the refusers in a hostile manner.

6. Was an Incendiary of the warre betweene the two Kingdomes of *England* and *Scotland*.

My Lords, we shall leave it to your Lordships Judgements, whether these words, Counsells, and Actions would not have beene a sufficient Evidence to have proved an Inditement drawne up against him, as those before mentioned, and many others are; That they were spoken and done to the intent to withdraw the Kings heart from the people, and the affections of the people from the King, that they might leave the King, and afterwards rise up against him to the destruction of the King; if so, here is a compassing of the Kings death within the words of the Statute of the five and twentieth yeare of *Edward* the third, and that warranted by many former judgements.

The fourth generall Head.

My Lords, I have now done with the three Treasons within the Statute of the five and twentieth of *Edward* the third. I proceed to the fourth upon the Statute of the eighteenth yeare of *Henry* the sixt, Chapter the third in *Ireland*; I shall make bold to read the words to your Lordships,

That no Lord, nor any other of what condition soever he be, shall bring or lead hoblers, kerves, or hooded men, nor any other people, nor horses to lie on horseback or on foot upon the Kings Subjects without their good wills and consent, but upon their owne costs, and without hurt doing to the Commons, and if any so doe he shall be judged as Traitor.

1. The Argument that hath been made concerning the Person,

That

That it extends not to the King, and therefore not to him, weighs nothing with your Lordships, *Rex non habet in regno parem*, from the greatnesse of his office to argue himselfe into the same impossibility with his sacred Majesty of being uncapable of High-Treason, it's an Offence, no reason; The words in the Statute, *No Lord nor any other of what condition soever he be*, includes every Subject.

In *Trinity* Terme in the three and thirtieth yeare of *Henry* the eighth, in the Kings Bench, *Leonard* Lord *Gray*, having immediately before been Lord Deputy of *Ireland*, is attainted of High-Treason, and judgement given against him for letting divers Rebels out of the Castle of *Dublin*, and discharging Irish hostages and pledges that had been given for securing the Peace, for not punishing one that said the King was an Heretique, I have read the whole Record, ther's not one thing laid to his charge but was done by him as Lord Leivetenant: Hee had the same Plea with my Lord of *Strafford*, That these things were no adhering to the Kings Enemies, but were done for reasons of State, That he was not within those words of the Statute of the five and twentieth yeare of *Edward* the third, himselfe being Lord Lievtenant there, they cost his life.

Obj. 2. It hath been said, That the Souldiers, sessed upon the Subjects by him, were not such persons as are intended by that Statute, *Hublers, Kerves, and hooded men*, these rascall people.

Answ. My Lords, they were the names given to the Souldiary of those times, Hoblers horsemen, the other the foot, but the words of the Statute goe further, *Nor any other people, neither horse nor foot*, his Lordship sessed upon them both horse and foot.

Object. 3. The Statute extends only to them that leade or bring, *Savill* led them, my Lord onely gave the warrant.

Answ. To that I shall say onely thus, *plus peccat author quam actor*, by the rule of Law, *agentes & consentientes pari plectuntur pœnâ*, if consent, much more a command to doe it, makes the commander a Traitor. If there bee any Treason within this Statute, my Lord of *Strafford* is guilty.

It hath been therefore said, That this Statute like *Goliah's* sword hath been wrapt up in a cloth and laid behind the doore, that it hath never been put in execution.

Answ.

Answ. My Lords, if the Clerk of the Crown in *Ireland* had certified your Lordships that upon search of the Judgements of Attainders in *Ireland*, he could not finde that any man had been attainted upon this Statute, your Lordships had had some ground to beleeve it, yet it is onely my Lord of *Straffords* affirmation: Besides your Lordships know that an act of Parliament binds untill it be repealed.

It hath been therefore said, that this Statute is repealed by the Statutes of the eighth yeere of *Edward* the fourth, the first Chapter; and of the tenth yeere of *Henry* the seventh, the two and twentieth Chapter, because by these two Satutes, the English Statutes are brought into *Ireland*.

The Argument, (if I mistook it not,) stood thus; That the Statute of the first of *Henry* the fourth, the 10. Chapter, saith, that in no time to come, Treason shall be adjuged otherwise, then it was ordained by the Statute of the 25. yeere of *Edward* the third: That the Treason mentioned in the 18 yeere of *Henry* the sixth in the Irish Satute is not contained in the Statute of the 25 yeere of *Edward* the 3. and therefore being contrary to the statute of the first of *Henry* the fourth, it must needs be void.

My Lords, the difference of the times wherein the statute of the first yeere of *Henry* the fourth, and that of the 18 yeere of *Henry* the sixth were made, cleare the Point, as is humbly conceived; that of *Henry* the sixth was made fourty yeeres after the other.

The statute of the eighth yeere of *Edward* the fourth, and the tenth of *Henry* the seventh, bringing in the English statutes in order and series of time, as they were made one after another (as afterwards is proved they did) it cannot be that the statute of the first yeere of *Henry* the fourth made fourty yeere before, should repeale or make void the statute of the 18. *Henry* 6. made so long after. The rule of Law is, that *Leges posteriores priores abrogant*, that latter lawes repeale former: But by this construction a former Law should repeale and make void a *Non ens*; a statute then was not.

If this were Law, then all the statutes that made any new Treason after the first yeere of *Henry* the fourth, were void in the very fabricke, and at the time when they were made; hence likewise it would follow, that the Parliament, now upon what occasion soever, hath no power to make any thing Treason not declared to be so in the statute of the five and twentieth yeere of *Edward* the third; This your Lordships easily see would make much for my Lord of

Straffords advantage; but why the Law should be so, your Lordships as yet have onely heard an affirmation of it, no reason.

But some touch was given, that this statute of the tenth yeer of *H.* the seventh, in words makes all the Irish statutes void, which are contrary to the English. The Answer to this, is a deniall that there are any such words in the statute: This statute declares, that the English statutes shall be effectuall and confirmed in *Ireland*, and that all statutes, before time, made to the contrary shall be revoked: this repeales onely the Irish statutes of the tenth yeere of *Henry* the fourth, and the nine and twentieth yeere of *Henry* the sixth, which say that the English statutes shall not be in force in *Ireland*, unlesse particularly received in Parliament; It makes all the Irish statutes void, which say that the English statutes shall not be in force there.

It is usuall when a Statute saith, that such a thing shall be done or not done, to adde further that all statutes to the contrary shall be voide.

No likeli-hood that this statute intended to take away any statute of Treason; When but in the Chapter next before this, Murder there is made Treason, as if done upon the Kings Person.

That this statute of the eighteenth yeer of *Henry* the sixth remains on foot and not repealed, either by the Statute of the eighth yeere of *Edward* the fourth, or this of the tenth yeere of *Henry* the seventh, appeares expressely by two severall Acts of Parliament, made at the same Parliament of the tenth yeere of *Henry* the seventh.

By an Act of Parliament in *H.* the sixth's time, in *Ireland*, it was made Treason for any man to procure a privie Seale, or any other Command whatsoever, for apprehending any person in *Ireland* for Treason done without that Kingdome, and to put any such Command in execution; Divers had been attainted of Treason for executing such Commands: Heere is a Treason so made by Act of Parliament in *Henry* the sixth's time: In the third Chapter of this Parliament of the tenth of *Henry* the seventh, an Act is passed for no other end, then to repeale this statute of *Henry* the sixth, of Treason.

If this statute of *Henry* the sixth of Treason, had been formerly repealed by the statute of 8. *Edward* 4. or then by the two and twentieth Chapter of this Parliament of 10. *Henry* 7. by bringing in the English statutes, the Law-makers were much mistaken, now to make a particular Act of Parliament to repeale it, it being likewise so unreasonable an Act as it was.

In

In the eighth Chapter of this Parliament, of the tenth of *Henry* the seventh; It is enacted, That the statutes of *Kilkenny* and all other statutes made in *Ireland* (two onely excepted, whereof this of the eighteenth of *Henry* the sixth is none) for the Common-weale shall be enquired off and executed. My Lord of *Strafford* saith, that the bringing in of the *English* statutes, hath repealed this statute of the eighteenth yeere of *Henry* the sixth; the Act of Parliament made the same time saith no; it saith that all the Irish statutes, excepting two, whereof this is none, shall still be in force.

Object. Oh! But how ever it was in 10. *H.* 7. yet it appeares by Judgement in Parliament afterwards, That this statute of the eighteenth yeere of *Henry* the sixth is repealed, and that is by the Parliament of the eleventh yeere of Queene *Elizabeth*, the seventh Chapter, *That by this Parliament it is enacted, that if any man without license from the Lord Deputie, lay any Souldiers upon the Kings Subjects, if he be a Peere of the Realme, he shall forfeit one hundred pounds, if under the degree of a Peere*, 100 markes. This statute, as is alleadged, declares the penalty of laying Souldiers upon the Subjects, to bee onely a hundred pounds; and therefore its not Treason.

Answer, My Lords, if the offence for which this penalty of one hundred pounds, is laid upon the offender, be for laying Souldiers, or leading them to doe any acts offensive or invasive upon the Kings people, The Argument hath some force; but that the offence is not for laying Souldiers upon the true Subjects, that this is not the offence intended in the statute, will appeare to your Lordships, *Ex absurdo*, from the words of it.

The words are, *That if any man shall assemble the people of the County together to conclude of peace, or warre; or shall carry those people to doe any Acts offensive or invasive, then he shall forfeit one hundred pounds*; If concluding of warre and carrying the people to Acts invasive, be against the Kings Subjects, this is high Treason within the words of the statute of the five and twentieth yeere of *Edward* the third: For if any Subject shall assemble the people and conclude a warre, and accordingly shall lead them to invade the Subject, this is a levying of warre within the word of that statute; and then the statutes of the five and twentieth yeere of *Edward* the third, the first of *Henry* the fourth, and the first of Queene *Mary*, which the Earle of *Strafford* in his Answer desires to be tryed by, are as well repealed in this point, as the statute of the eighteenth yeere of *Henry*

the sixth, he might then without feare of Treason have done what he pleased with the Irish Army; for all the statutes of levying war, by this statute of the eleventh yeer of Queene *Elizabeth* were taken out of his way.

In *Ireland* a Subject gathers forces, concludes a warre against the Kings people, actually invades them; bloodshed, burning of houses, Depredations ensue; two of those, that is, murder and burning of houses are Treason, and there the other felony; by this construction the punishment of Treason and felony is turned onely into a fine of one hundred pounds; from losse of life, lands, and all his goods, onely to losse of part of his goods.

3 The third absurdity; a warre is concluded, three severall Inrodes are made upon the Subject; in the first, a hundred pound dammage; in the second, five thousand pounds dammage; in the third, ten thousands pound dammage is done to the Subjects; the penalty for the last inrode is no more than for the first, onely one hundred pounds. This statute by this construction tells any man how to get his living without long labour.

Two parts of the hundred pounds is given to the King, a third part to the informer; here's no dammage to the Subject that is robbed and destroyed.

My Lords, the Statute will free it selfe and the makers of it from these absurdities.

The meaning of this statute is, *That if any Captaine shall of his own head conclude of peace or war, against the Kings Enimies or Rebels*, or shall upon his owne head invade them, without warrant from the King, or the Lord Deputie of *Ireland*, that then he shall forfeit an hundred pounds.

The offence is not for laying of Souldiers upon the Kings people, but making of warre against the Irish Rebells without warrant; the offence is not in the matter, but in the manner, for doing a thing lawfull, but without mission.

1. This will appeare by the generall scope of the statute, all the parts being put together.

2. By particular clauses in the Statute.

3 By the Condition of that Kingdome at the time of the making of that statute.

For the first, The preamble recites that in time of Declination of Justice under pretext of defending the Countrey and themselves, di-

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vers great men arrogated to themselves Regall authority under the names of Captaines, that they acquired to themselves that government which belonged to the Crown. for preventing this Its enacted, that no man dwelling within the Shire grounds, shall thenceforth assume or take upon himselfe the authority or name of a captaine within those Shire grounds, without Letters Pattents from the Crowne, nor shall under colour of his captaine-ship make any demand of the people of any exaction, nor as a captaine assemble the people of the shire grounds; nor as a captaine shall lead those people to doe any acts offensive or invasive without warrant under the great Seale of *England*, or of the Lord Deputy, upon penalty that if he do any thing contrary to that act, then the Offender shall forfeit an hundred pounds.

My Lords, the Rebels had been out, the courts of justice scarce fate for defence of the countrey, diverse usurped the place of Captaines, concluded of warre againſt the Rebels and invaded them without warrant; invading the Rebels without authority is the crime.

2. This appeares further by the particular clauses in the statute; None shall exercise any captaine-ship within the shire grounds, nor assemble the men of the shire grounds to conclude of warre, or lead them to any invasion.

That that had anciently beene so continued to this time, that is, the Irish and the *English* pale, they within the shire grounds were within the *English* pale, and *ad fidem & legem Angliæ*; the Irish that were without the pale were enimies alwayes either in open act of hostility or upon leagues, and hostages given for securing the peace. And therefore as here in *England*, we had our marches upon the frontiers in *Scotland* and *Wales*, so were their Marches betweene the *English* and Irish pale, where the inhabitants held their Lands by this tenure to defend the Countrey againſt the Irish, as appeares in the close Rols of the Tower in the twentieth yeere of *Edward* the third, *membranâ* 15. on the backside; and in an Irish Parliament held the 42. yeere of *Edward* the 3. Its declared, that the English pale was almost destroyed by the Irish enimies, and that there was no way to prevent the danger, but onely that the owners reside upon their Lands for defence, and that absence should bee a forfeiture. This act of Par-

liament in a great counſell here was affirmed, as appeares in the cloſe Roll, the 22. yeere of *Edward* the third, *membra.* 20. dorſe.

Afterwards as appeares in the Statute of the 28. yeere of *Henry* the 6. in *Ireland*, this hoſtility continued betweene the Engliſh marches and the Iriſh enemies, who by reaſon there was no difference betweene the Engliſh marches and them, in their apparell, did daily not being knowne to the Engliſh, deſtroy the Engliſh within the pale. Therefore its enacted, that every *Engliſhman ſhall ſhave the haire of his upper lip, for diſtinction ſake.* This hoſtility continued, till the 10. yeere of *Henry* the 7. as appeares by the Statute of the tenth of *Henry* the 7. the 17. Chapter; and ſo ſucceſſively downeward, till the making of this very ſtatute of the 11. yeere of Queene *Elizabeth*, as appeares fully in the ninth chapter.

Nay immediately before, and at the time of the making of this ſtatute, there was not onely enmity betweene thoſe of the Shire grounds; that is, the Engliſh and Iriſh pale; but open Warre and Acts of hoſtility, as appeares by Hiſtory of no leſſe authority, then that ſtatute it ſelfe. For in the firſt Chapter of this ſtatute is the Attainder of *Shane O Neale*, who had made open Warre, was ſlaine in open Warre. It's theredeclared, that he had gotten by force all the North of *Ireland*, for an hundred and twenty miles in length, and above a 100. in breadth; that hee had maſtered divers places within the *Engliſh* pale. When the flame of this warre by his death immediately before this ſtatute was ſpent, yet the fire-brands were not all quenched; for the rebellion was continued by *John Fitz Gerard* called the white Knight, and *Thomas Queverford*: This appeares by the Statute of the 13. yeere of Queene *Elizabeth* in *Ireland*, but two yeeres after this of the eleventh yeere of Queene *Elizabeth*, where they are attainted of high treaſon, for levying Warre this eleaventh yeere, wherein this Statute was made.

So that my Lords, immediately before, and at the time of the making of this Statute, there being Warre betweene thoſe of the Shire grounds mentioned in this ſtatute, and the Iriſh, the concluding of Warre, and Acts offenſive and invaſive there mentioned, can bee intended againſt no others, but the Iriſh enemies.

Againe

Againe the words of the ſtatute are; no captaine ſhall aſſemble the people of the Shire grounds to conclude of peace or warre: Is it to bee preſumed that thoſe of the Shire grounds will conclude of Warre againſt themſelves? nor ſaith the ſtatute ſhall carry thoſe of the Shire grounds to doe any Acts invaſive; by the conſtruction which is made on the other ſide, they muſt be carried to fight againſt themſelves.

Laſtly the words are; As captaine, none ſhall aſſume the name or authority of a captaine, or as a captaine ſhall gather the people together, or as a captaine lead them. The offence is not in the matter, but in the manner: If the acts offenſive were againſt the Kings good Subjects, thoſe that went under command were puniſhable, as well as the Commanders; but in reſpect, the Souldiers knew the ſervice to bee good in it ſelfe being againſt the enemies, and that it was not for them to diſpute the authority of their commanders, the penalty of a 100. pounds is laid onely upon him, that as Captaine ſhall aſſume this power without warrant: The people commanded are not within the Statute.

My Lords, the logicke whereupon this argument hath been framed ſtands thus; Becauſe the ſtatute of the eleventh yeere of Queene *Elizabeth* inflicts a penalty of a 100. pound, and no more upon any man, that as a captaine without warrant, and upon his owne head ſhall conclude of, or make Warre againſt the Kings enemies: therefore the ſtatute of the 18. yeere of *Henry* the ſixth is repealed, which makes it Treaſon to lay ſouldiers upon, or to levie war againſt the Kings good people.

But my Lords, obſervation hath been made upon other words of this ſtatute, that is, that without licence of the Deputy, theſe things cannot be done: This ſhewes, that the Deputy is within none of the ſtatutes.

My Lords, this Argument ſtands upon the ſame reaſon with the former, becauſe hee hath the ordering of the Army of *Ireland* for the defence of the people, and may give warrant to the Officers of the Army, upon eminent occaſions of invaſion, to

reſiſt

reſiſt or proſecute the enimy, becauſe of the danger that elſe might enſue forthwith by ſtaying for a warrant from his Majeſty out of *England*; Therefore it is no Treaſon in the Deputy to imploy the Army in *Ireland*, whenſoever hee pleaſeth, for the ſubverſion of the Kings good people, and of the Lawes.

My Lords, the ſtatute of the tenth yeere of *Henry* the ſeventh the 17. Chapter touched upon for this purpoſe, cleares the buſineſſe in both points; for there it is declared, that none ought to make warre upon the Iriſh rebels and enimies, without warrant from the Lieutenant, the forfeiture a 100 pounds as here the ſtatute is the ſame with this, and might as well have beene cited for repealing the ſtatute of the eighteenth yeere of *Henry* the 6. as this of the 11. yeere of Queene *Elizabeth*: but if this had been inſiſted upon, it would have expounded the other two cleare againſt him.

Object. My Lords, it hath been further ſaid, although the ſtatute be in force, and there be a Treaſon within it, yet the Parliament hath no juriſdiction; the Treaſons are committed in *Ireland*, therefore not triable here.

Anſw. My Lords, Sir *Iohn Perrot* his predeceſſors in the 24. yeere of Queene *Elizabeth* was tried in the Kings bench for Treaſon done in *Ireland*, when he was Deputy; *Orucke* in the 33. yeere of Queene *Elizabeth* judged heere for Treaſon done *Ireland*.

Object. But it will be ſaid, theſe trials were after the ſtatute of the 34. yeere of *Henry* the eight, which enacts, that treaſons beyond ſea may be tried in *England*.

Anſw. My Lords, his predeceſſor my Lord *Gray* was tried and adjudged here in the Kings bench, that was in Trinity terme in the 33. yeere of *Henry* the eighth, this was before the making of that ſtatute

Object. To this againe will be ſaid, that it was for Treaſon by the Lawes and ſtatutes of *England*; but this is not for any thing, that's Treaſon by the Law of *England*, but by an Iriſh ſtatute.

So that the queſtion is onely, whether your Lordſhips in Parliament here have cogniſance of an offence made treaſon by an Iriſh

Iriſh ſtatute in the ordinary way of judicature without bill, for ſo is the preſent queſtion.

For the clearing of this, I ſhall propound two things to your Lordſhips conſideration:

1. Whether the rule for expounding the Iriſh Statutes and cuſtomes bee one, and the ſame in *England*, as in *Ireland*.

2. That being admitted, whether the Parliaments in *England* have cognizance or juriſdiction of things there done in reſpect of the place, becauſe the Kings writ runnes not there.

For the firſt, if in reſpect of the place, the Parliament here hath cognizance there; And ſecondly, if the rules for expounding the *Iriſh* ſtatutes and Cuſtomes bee the ſame here as there, this exception as I humbly conceive, muſt fall away:

In *England* there is the common law, the ſtatutes, the acts of Parliament, and cuſtomes peculiar to certaine places, differing from the common Law; if any queſtion ariſe concerning either a cuſtome or an act of Parliament, the common Law of *England*, the firſt, the primitive and the generall Law, that's the rule and expoſitour of of them and of their ſeverall extents; it is ſo here, it is ſo in *Ireland*; the common Law of *England* is the common Law of *Ireland* likewiſe; the ſame here and there in all the parts of it.

It was introduced into *Ireland* by King *Iohn*, and afterwards by King *Henry* the third by act of Parliament held in *England*, as appeares by the pattent Rolls of the 30 yeere of King *Henry* the third, the firſt *membranâ*. The words are, *Quia pro communi utilitate terræ Hiberniæ, & unitate terrarum Regis, Rex vult, & de communi conſilio Regis proviſum eſt, quòd omnes leges & conſuetudines quæ in regno Angliæ tenentur, in Hibernia teneantur, & eadem terra eiſdem legibus ſubjaceat, & per eaſdem regatur, ſicut Dominus* Johannes *Rex cum ultimò eſſet in Hibernia, ſtatuit, & fieri mandavit. Quia, &c. Rex vult quod omnia brevia de*

communi Jure quæ currunt in Anglia, similiter currant in Hibernia sub novo sigillo Regis, mandatum est Archiepiscopis, &c. quod pro pace & tranquillitate ejusdem terræ, per easdem leges eos regi & deduci permittant, & eas in omnibus sequantur. In cujus, &c. Teste Rege, apud Woodstock, decimo nono die Septembris.

Here's an union of both Kingdomes, and that by act of Parliament, and the same Lawes to be used heere as there, *in omnibus.*

My Lords, That nothing might be left here for an exception, that is, that in treasons, felonies, and other capitall offences concerning life, the Irish lawes are not the same as here. Therefore it is enacted in a Parliament held in England in the 14. yeere of *Edward* the second (it is not in print neither, but is in the Parliament booke) That the Lawes concerning life and member shall be the same in Ireland, as in England.

And that no exception might yet remaine, in a Parliament held in England, the fifth yeere of *Edward* the third, It is enacted: *quod una & eadem Lex fiat tam Hibernicis, quam Anglicis.* This act is enrolled in the Patent rolls of the fifth yeere of *Ed.* the 3. *part.* 1. *membr.* 25.

The Irish therefore receiving their Lawes from hence, they send their Students at Law to the Innes of Courts in England, where they receive their degree; and of them, and of the common Lawyers of this kingdome, are the Judges made.

The petitions have been many from Ireland, to send from hence some Judges more learned in the Lawes then those they had there.

It hath been frequent in cases of difficulty there, to send some times to the Parliament here, sometimes to the King by advice from the Judges here, to send them resolutions of their doubts: Amongst many I'll cite your Lordships onely one, because it is in a case of treason upon an Irish statute, and therefore full to this point.

By a Statute there made in the fifth yeere of *Edward* the fourth, there is provision made for such, as upon suggestions

are

are committed to prison for Treason, that the party committed, if he can procure 24. Compurgators, shall be bailed, and let out of prison.

Two Citizens of *Dublin* were by a grand Jury presented to have committed Treason; They desired the benefit of this statute, that they might be let out of prison upon tender of their Compurgators. The words of the Statute of the 5. yeere of *Ed.* the fourth in Ireland being obscure, the Judges there not being satisfied what to doe, sent the case over to the Queene desired the opinion of the Judges here; which was done accordingly: The Judges here sent over their opinion, which I have out of the Book of Justice *Anderson*, one of the Judges consulted withall. The Judges here delivered opinion upon an Irish Statute in case of Treason.

If it be objected, That in this case the Judges here did not judge upon the party; their opinions were only *ad informandam conscientiam* of the Judges in Ireland; that the judgement belonged to the Judges there.

My Lords, with submission, this and the other Authorities prove that for which they were cited; that is, That no absurdity, no failer of justice would ensue, if this great Judicatory should judge of Treason so made by an Irish Statute.

The common Law, the rule of judging upon an Irish Statute, the Pleas of the Crowne for things of life and death, are the same here and there. This is all that hath yet beene offered.

For the second point, That England hath no power of Judicature for things done in *Ireland*; My Lords, the constant practice of ages proves the contrary.

Writs of errour in Pleas of the Crowne, as well as in civill causes, have in all Kings reignes been brought here, even in the inferiour Courts of Westminster Hall, upon judgements given in the courts of Ireland: The practice is so frequent, and so well known, as that I shall cite none of them to your Lordships: no president will (I beleeve) bee produced to your Lordships, that ever the case was remanded back againe into Ireland, because the question

ſoſe upon an Iriſh Statute, or cuſtome.

Object. But it will bee ſaid, That writs of errour are onely upon a failer of juſtice in Ireland; and that ſuits cannot originally bee commenced here for things done in Ireland, becauſe the Kings writ runs not in Ireland.

Anſw. This might be a good plea in the Kings Bench, and inferiour Courts at Weſtminſter Hall; the queſtion is, whether it bee ſo in Parliament. The Kings writ runs not within the County Palatine of Cheſter and Durham, nor within the five Ports; neither did it in Wales before the union in *Henry* the eighth's time; after the Lawes of England were brought into Wales in King *Edward* the firſt's time, ſuits were not originally commenced in Weſtminſter Hall, for things done in them, yet this never excluded the Parliament: ſuits for life, lands, and goods within thoſe juriſdictions are determinable in Parliament, as well as in any other parts of the Realme.

Ireland, as appeares by the ſtatute of the thirtieth yeere of *Henry* the third, before mentioned, is united to the Crowne of England.

By the Statute of the eight and twenty yeere of *Henry* the ſixth in *Ireland*, it is declared in theſe words; That *Ireland* is the proper Dominion of England, and united to the Crown of England, which Crowne of England is of it ſelfe, and by it ſelf, fully, wholly, and entirely endowed with all power and authority ſufficient to yeeld to the ſubjects of the ſame full and plenary remedy, in all debates and ſuits whatſoever.

By the Statute of the 33. yeere of *Henry* the eighth, the firſt Chapter, when the Kings of England firſt aſſumed the title of King of *Ireland*, it is there enacted, That *Ireland* ſtill is to bee held as a Crowne annexed and united to the Crowne of England.

So that by the ſame reaſon, from this, that the Kings writ runs not in *Ireland*, it might aſwell be held, that the Parliament cannot originally hold plea of things done within the County Palatine of Cheſter and Durham, nor within

within the five Ports and Wales; *Ireland* is part of the Realme of England, as appeares by those statutes, as well as any of them.

This is made good by constant practice. In all the Parment rolls, from the first to the last, there are receivers and tryers of petitions appointed for *Ireland*. For the Irish to come so farre with their petitions for justice, and the Parliament not to have cognizance; when from time to time they had in the beginning of the Parliament appointed receivers and tryers of them, is a thing not to be presumed.

An appeale in *Ireland* brought by *William* Lord *Vescye* against *John Fitz Thomas* for treasonable words there spoken, before any Judgement given in the case there, was removed into the Parliament in England, and there the defendant acquitted, as appeares in the Parliament pleas of the two and twentieth yeere of *Edward* the first.

The suits for lands, offices, and goods, originally begun here, are many; and if question grew upon matter in fact, a Jury usually ordered to try it, and the verdict returned into Parliament, as in the case of one *Balliben*, in the Parliament of the five and thirtieth yeere of *Edward* the first. If doubt arose upon a matter tryable by Record, a writ went to the Officers in whose custody the Record remained, to certifie the Record, as was in the case of *Robert Bagot* the same Parliament of the five and thirtieth yeere of *Edward* the first, where the writs went to the Treasurer and Barons of the Exchequer.

Sometimes they gave judgement here in Parliament, and commanded the Judges there in *Ireland* to doe execution, as in the great case of Partition betweene the copartners of the Earle Marshall, in the Parliament of the 33. yeere of *Edward* the first, where the writ was awarded to the Treasurer of Ireland.

My Lords, The Lawes of Ireland were introduced by the Parliaments of England, as appeares by three Acts of Parliament before cited.

It is of higher jurisdiction *dare Leges*, then to judge by them.

The Parliaments of England doe binde in Ireland, if Ireland be particularly mentioned, as is resolved in the Book case of the first yeere of *Henry* the seventh, *Cokes* seventh Report, *Calvins* case, and by the Judges in Trinity Terme, in the three and thirtieth yeere of Queene *Elizabeth*: The Statute of the eighth yeere of *Edward* the fourth, the first Chapter in Ireland recites, that it was doubted amongst the judges, whether all the English Statutes, though not naming Ireland, were in force there; if named, no doubt.

From King *Henry* the third his time downward to the eighth yeere of Queene *Elizabeth* (by which statute it is made felony to carry sheepe from Ireland beyond seas) in almost all these Kings reignes, there be statutes made concerning Ireland.

The exercising of the *Legislative* power there over their lives and estates, is higher then of the Judiciall in question. Vntill the nine and twentieth yeere of *Edward* the third, erroneous judgements given in Ireland, were determinable no where, but in England; no, not in the Parliaments of Ireland, as it appeares in the close rolls in the Tower. In the nine and twentieth yeere of *Ed.* the third, *mem.* 12. Power to examine and reverse erroneous judgements in the Parliaments of Ireland is granted from hence; Writs of errour lie in the Parliament here upon erroneous judgements after that time given in the Parliaments of Ireland, as appeares in the Parliament rolls of the eighth yeere of *Henry* the sixth, *membra.* 70. in the case of the Prior of Lenthan. It is true, the case is not determined there, for it's the last thing that came into the Parliament, and could not be determined for want of time; but no exception at all is taken to the jurisdiction.

The Acts of Parliament made in Ireland have been confirmed in the Parliaments of England, as appeares by the close rolls in the Tower, in the 42. yeere of *Edward* the 3. *membra.* 20. *dorso*; where the Parliament in Ireland, for the preservation of the Countrey from the Irish, who had almost destroyed it, made an Act, that all the land-owners, that were

English

Engliſh ſhould reſide upon their lands, or elſe they were to be forfeited: this was here confirmed.

In the Parliament of the 4. yeere of *H.* the 5. *chap.* 6. Acts of Parliament in Ireland are confirmed, and ſome priviſeges of the Peeres in the Parliaments there are regulated.

Power to repeale Iriſh Statutes, power to confirme them, cannot be by the Parliament here, if it hath not cognizance of their Parliaments; unleſſe it be ſaid, That the Parliament may doe, it knowes not what.

Garneſey and Jerſey are under the Kings ſubjection, but are not parcels of the Crown of England, but of the dutchy of Normandy; they are not governed by the lawes of England, as Ireland is; and yet Parliaments in England have uſually held plea of, and determined all cauſes concerning land, or goods. In the Parliament of 33. *E.* 1. there be *placita de Inſula Jerneſey*; and ſo in the Parliament 14. *E.* 2. and ſo for Normandy and Gaſcoyne; and alwayes as long as any part of France was in ſubjection to the Crown of England, there were at the beginning of Parliaments, receivers and tryers of petitions for thoſe parts appointed.

I beleeve your Lordſhips will have no caſes ſhewed of any plea to the juriſdiction of the Parliaments of England, in any thing done, in any parts whereſoever, in ſubjection to the Crown of England.

The laſt thing I ſhall offer to your Lordſhips is the caſe of 19. *El.* in my Lord *Dyer* 306. and Judge *Comptons* book *of the juriſdiction of Courts, fol.* 23. The opinion of both theſe books is, that an Iriſh Peere is not triable here. It's true, a Scotiſh or French Nobleman is triable here as a common perſon; the Law takes no notice of their Nobility, becauſe thoſe Countryes are not governed by the Lawes of England; but Ireland being governed by the ſame Lawes, the Peeres there are triable according to the Law of England, onely *per pares.*

By the ſame reaſon the Earle of Strafford, not being a peere of Ireland, is not triable by the Peeres of Ireland; ſo that if he be not triable here, he is triable no where.

My Lords, In caſe there be a Treaſon and a Traitor within the ſtatute, and that he be not triable here for it in the ordinary

way

way of judicatory, if that jurisdiction failes, this by way of Bill doth not; Attainders of Treason in Parliament are as legall, as usuall by Act of Parliament, as by Judgement.

I have now done with the statutes of 25. *E.* 3 and 18. *H.*6. My Lord of Strafford hath offended against both the Kingdomes, and is guilty of high Treason by the Lawes of both.

5 My Lords, In the fifth place I am come to the Treasons at the common Law, the endevouring to subvert the fundamentall Lawes and government of the Kingdome, and to introduce an arbitrary and tyrannycall government.

In this I shall not at all labour to prove, that the endevouring by words, counsells, and actions to subvert the Lawes, is treason at the common Law, if there be any common-Law-treasons at all left; nothing treason, if this not, to make a Kingdome no Kingdome: take the politie and government away, England's but a peece of earth, wherein so many men have their commorancy and abode, without rancks or distinction of men, without property in any thing further then possession; no Law to punish the murdering or robbing one another.

That of 33 *H.* 8. of introducing the Imperiall Law, sticks not with your Lordships: It was in case of an appeal to Rome: These appeals in cases of marriages, and other causes counted Ecclesiasticall, had been frequent, had in most Kings reignes been tollerated; some in times of popery put a conscience upon them, the statutes had limitted the penally to a *Premunire* only: Neither was that a totall subversion, only an appeal from the Ecclesiasticall Court here in a single cause to the Court at Rome; and if treason or not, that case proves not; a treason may be punished as a felony, a felony as a trespasse, if his Majesty so please; the greater includes the lesser: In the case of *Premunire* in the Irish reports, that which is there declared to be treason, proceeded upon onely as a *Premunire*.

The thing most considerable in this is, whether the treasons at common Law be taken away by the Statute of 25. *E.* 3. 1. *H.*4. or 1. *Q. M.* or any of them.

My Lord, to say they be taken away by the Stat. of 25. *E.* 3. is to speak against the direct words and scope of that Statute.

In

In it there's this clause, *That because many other like cases of treason might fall out, which are not there declared, therefore it is enacted, That if any such case come before the Judges, they shall not proceed to Judgement till the case be declared in Parliament, whether it ought to be adjudged treason, or not.*

These words, and the whole scope of that Statute shewes, that it was not the meaning to take away any treasons that were so before, but only to regulate the jurisdiction and manner of triall. Those that were single and certaine Acts, as conspiring the Kings death, levying war, counterfeiting the money, or great Seale, killing a Judge, these are left to the ordinary Courts of justice; the others not depending upon single Acts, but upon constructions and necessary inferences, they thought it unfit to give inferiour Courts so great a latitude here, as too dangerous to the subject; those they strained to Parliaments.

This Statute was the security of the subject, made with such wisedome as all the succeeding ages have approved it: It hath often passed through the furnace, but, like gold, hath lost little or nothing.

The Statute of 1. *H.* 4 *cap.* 10. is in these words, *Whereas in the Parliament held the* 21 *yeere of* Richard *the* 2. *divers pains of treasons were ordained, insomuch, that no man did know how to behave himselfe, to doe, say, or speake, It is accorded, that in no time to come any treason be adjudged otherwise then it was ordained by the Statute of* 25. *E.* 3.

It hath been said, to what end is this Statute made, if it takes not away the common Law treasons remaining after the Statute of 25. *Edward* 3.

There be two maine things which this Statute doth: First it takes away for the future all the treasons made by any Statute since 25. *E.* 3. to 1. *H.* 4. even to that time: For, in respect that by another Act in that Parliament, the Statute of 21. *R.* 2. was repealed, it will not be denied, but that this Statute repeals more treasons then these of 21. *R.* 2. it repeals all Statute treasons but those in 25. *E.* 3.

Secondly, It not only takes away the Statute treasons, but likewise the declared treasons in Parliament after 25. *E.* 3. as to the future. After declaration in Parliament the inferior Courts might judge these treasons; for the declaration of a treason in Parliament after it was made, was sent to the inferior Courts, that *toties quoties* the like case fell out, they might proceed therein: the sub-

ject for the future was secured against these; so that this statute was of great use.

By the very words of it, it still refers all treasons to the provision of 25. *E.* 3. it leaves that entire and upon his old bottome.

The statute of 1. *Q. M. cap.* 1. saith, *That no offences made treason by any Act of Parliament, shall thenceforth be taken or adjudged to be treason, but onely as be declared and expressed to be treason, by the statute of* 25. E. 3. *concerning treason, or the declaration of treason and no others: And further provides that no pains of death, penalty, or forfeiture, in any wise shall ensue for committing any treason, other then such as be in the statute of* 25. E. 3. *ordained and provided; any Acts of Parliament, or any declaration, or matter to the contrary, in any wise notwithstanding.*

By the first part of this statute, onely offences made treason by Act of Parliament are taken away, the Common Law treasons are no way touched: The words (*and no others*) referre still to offences made treason by Act of Parliament; they restrain not to the treasons onely particularly mentioned in the statute of 25. *E.* 3. but leaue that statute entire as to the Common-law treason, as appears by the words immediatly foregoing.

By the second part, for the pains and forfeitures of treasons, if it intend onely the punishment of treason, or if it intend both treason and punishment, yet all is referred to the provision and ordinance of 25. *E.* 3. any Act of Parliament, or other declaration, or thing notwithstanding.

It saith not, other then such penalties, or treasons as are expressed and declared in the statute of 25. *E.* 3. that might perhaps have restrained it to those that are particularly mentioned: No, it refers all treasons to the general ordination and provision of that statute, wherein the Common-law-treasons are expresly kept on foot.

If it be askt what good this statute doth, if it take not away the the Common-law-treasons.

1. It takes away all the treasons made by Act of Parliament, not only since the first of *H.* 4. which were many, but all before 1. *H.* 4. even untill 25. *E.* 3. by expresse words.

2. By expresse words, it takes away all declared treasons, if any such had been made in Parliament, these for the future are likewise taken away; so that whereas it might have been doubted, whether the statute of 1. *H.* 4. took away any treasons but those of 21. and 22. *R.* 2. this clears it both for treasons made by Parliament,

liament, or declared in Parliament, even to the time of taking the ſtatute.

This is of great uſe, of great ſecurity to the ſubject; ſo that as to to what ſhall be treaſon, and what not, the ſtatute of 25. E. 3. remains entire, and ſo by conſequence the treaſons at the Common Law.

Only, my Lords, it may be doubted, whether the manner of the manner of the Parliamentary proceedings be not altered by the ſtatute of 1. Hen. 4. the 17. *cap.* and more fully in the Parliament roll num. 144. that is, whether ſince that ſtatute the Parliamentary power of declaration of treaſons, whereby the inferiour Courts received juriſdiction, be not taken away and reſtrained only to Bill; that ſo it might operate no further, than to that particular contained in the Bill; that ſo the Parliamentary declarations for after times ſhould be kept within the Parliament it ſelfe, and be extended no further. Since 1. *H.* 4. we have not found any ſuch declarations made, but all Attainders of treaſon have been by Bill.

If this be ſo, yet the common-Law-treaſons ſtill remaining, there is one and the ſame ground of reaſon and equity ſince 1. *H.* 4. for paſſing of a Bill of treaſon, as was before for declaring it without Bill.

Herein the *Legiſlative* power is not uſed againſt my Lord of *Straffford* in the Bill; it is only the juriſdiction of the Parliament.

But, my Lords, becauſe that either through my miſtaking of the true grounds and reaſons of the Commons, or my not preſſing of them with apt arguments and preſidents of former times; or that perchance your Lordſhips from ſome other reaſons and authorities more ſwaying with your Lordſhips judgements, then theſe from them, may poſsible be of a contrary and dubious opinion concerning theſe treaſons, either upon the ſtatutes of 25. *E.* 3. and 18. *H.* 6. or at the Common Law.

My Lords, if all theſe five ſhould faile, they have given me further in command to declare to your Lordſhips ſome of their reaſons, why they conceive that in this caſe the meere *Legaſlative* power may be exerciſed.

Their reaſons are taken from theſe three grounds:

1. From the nature and quality of the offence.

2. From the frame and conſtitution of the Parliament wherein this Law is made.

3. From practices and uſages of former times.

The horridneſſe of the offence in endeavouring the overthrowing the Lawes and preſent government, hath been fully opened

to your Lordſhips heretofore.

The Parliament is the repreſentation of the whole Kingdome, wherein the King as Head, your Lordſhips as the more noble, and the Commons the other members, are knit together in one body politick: This diſſolves the arteries and ligaments that hold the Body together, the Lawes: He that takes away the Lawes, takes not away the allegeance of one ſubject alone, but of the whole Kingdome.

It was made Treaſon by the ſtatute of 13. *El.* for her time, to affirme, That the Lawes of the Realme doe not bind the deſcent of the Crowne; no Law, no deſcent at all.

No Lawes, no Peerage, no ranks or degrees of men; the ſame condition to all.

It's treaſon to kill a Judge upon the Bench; this kills not *Iudicem, ſed Iudicium:* He that borrowed *Apelles*, and gave bond to return again *Apelles* the Painter, ſent him home after he had cut off his right hand; his bond was broken, *Apelles* was ſent, but not the Painter. There be twelve men, but no law; there's never a Judge amongſt them.

Its felony to embezill any one of the judiciall records of the Kingdome; this at once ſweepes them all away, and from all.

Its treaſon to counterfeit a twenty ſhilling peece; here's a counterfeiting of the Law, we can call neither the counterfeit nor true coyne our owne.

Its treaſon to counterfeit the great Seale for an acre of land, no property hereby is left to any land at all. Nothing treaſon now, either againſt King or Kingdome, no Law to puniſh it.

My Lords, If the queſtion were asked in Weſtminſter Hall, whether this were a crime puniſhable in ſtarre-chamber, or in the Kings Bench, by fine or impriſonment, they would ſay, it went higher: If whether felony, they would ſay? That's for an offence onely againſt the life, or goods of ſome one, or few perſons: It would, I beleeve, be anſwered by the Judges, as it was by the chiefe Juſtice *Thirning*, in 21. *R.* 2. That though he could judge the caſe treaſon there before him, yet if he were a Peere in Parliament, he would ſo adjudge it.

My Lords, if it be too big for thoſe Courts, we hope its in the right way here.

2. The ſecond conſideration is from the frame and conſtitution of the Parliament; the Parliament is the great body politicke, it comprehends all from the King to the begger: if ſo, my Lords, as the naturall, ſo this body, it hath power over it ſelfe, and every one of the members for the preſervation of the whole: Its both the Phyſitian

and

and the patient: if the body be distempered, it hath power to open a veine to let out the corrupt blood for curing of it selfe; if one member be poysoned and gangren'd, it hath power to cut it off for the preservation of the rest.

But, my Lords, it hath been often inculcated, that Law-makers should imitate their supreme Law-giver, who commonly warnes before he strikes; the Law was promulged before the judgement of death for gathering of sticks; no Law, no transgression.

My Lords, to this the rule of Law is, *Frustra Legis auxilium invocat, qui in Legem committit*; from the *Lex talionis*, he that would not have had others to have law, why should he have any himselfe? why should not that be done to him, that himself would have done to others

It's true, we give law to Hares, and Deers, because they be beasts of Chase; it was never accounted either cruelty or foule play to knock Foxes and Wolves on the head, as they can be found; because these be beasts of prey: The Warrener sets traps for Powlcats, and other Vermine, for preservation of the Warren.

Further, my Lords, most dangerous diseases, if not taken in time, they kill: Errors in great things, as Warre, and Marriage, they allow no time for repentance; it would have been too late to make a law, when there had been no law.

My Lords, for further answer to this objection, he hath offended a law, a law within, the endeavouring to subvert the lawes and polity of the State wherein he lived, which had so long, and with such faithfulnesse protected his Ancestry, himselfe, and his whole family; it was not *malum, quia prohibitum*, it was *malum in se*, against the dictates of the dullest conscience, against the light of nature; they, not having the law, were a law to themselves.

Besides this, he knew a law without, that the Parliament in cases of this nature had *potestatem vitæ & necis*.

Nay, he well knew, that he offended the promulged and ordinary rules of law: Crimes against Law have been proved, have been confessed, so that the question is not *de culpâ, sed de pœnâ*, what degree of punishment those faults deserve; we must differ from him in opinion, that twenty felonies cannot make a treason, if it be meant of equality in the use of the *Legislative* power: for hee that deserves death for one of these felonies alone, deserves a death more painfull, and more ignominious for all together.

Every felony is punished with losse of life, lands, and goods; a felony may be aggravated with those circumstances, as that the Par-

liament with good reason may adde to the circumstances of punish-ment, as was done in the case of *John Hall*, in the Parliament 1. *H.* 4. who for a barbarous murder committed upon the Duke of Glocester, stifling him between two feather-beds at Calice, was adjudged to be hanged, drawn, and quartered.

Batteries by Law are punishable only by fine and single dammages to the party wounded.

In the Parliament held in 1. *H.* 4. *cap.* 6. one *Savadge* committed a Battery upon one *Chedder*, servant to Sir *John Brook*, a Knight of the Parliament for Somersetshire; It's there enacted, that he shall pay double dammages, and stand convicted, if he render not himselfe by such a time: The manner of proceedings quickned, the penalty doubled, the circumstances were considered, it concerned the Common-wealth; it was Battery with breach of priviledge of Parliament.

This made a perpetuall Act, no warning to the first offender; and in the Kings Bench, as appeares by the book case of 9. *H.* 4. the first leafe, double dammages were recovered.

My Lords, in this of the Bill, the offence is high and generall against the King and the Common-wealth, against all and the best of all.

If every felony be losse of life, lands, and goods what is misuser of the *Legislative* power, by addition of Ignominie in the death and dispossall of the lands to the Crowne, the publick patrimony of the Kingdome.

But it was hoped, that your Lordships had no more skill in the Art of killing of men, than your worthy Ancesters.

My Lords, this appeale from your selves to your Ancesters we admit of; although we doe not admit of that from your Lordships to the Peeres of Ireland.

He hath appealed unto them; your Lordships will bee pleased to hear what judgement they have already given in the case, that is, the severall attenders of treason in Parliament, after the Statute of 25. *E.* 3. for treasons not mentioned, without nor within that Statute, and those upon the first offenders warning given.

By the Statute of 25. *E.* 3. its treason to levie war against the King: *Gomines* and *Weston* afterwards in Parliament in 1. *R.* 2. *Num.* 38, 39. adjudged traytors for surrendring two severall Castles in France, only out of feare, without any compliance with the Enimy; this not within the Statute of 25. *E.* 3.

My Lords, in 3. *R.* 2. *Iohn Imperiall* that came into England upon

on letters of safe conduct, as an Agent for the state of Genoa, sitting in the Evening before his door in Breadstreet, (as the words of the Records are) *paulo ante ignit egium*, *John Kirby* and another Citizen comming that way, casually *Kirby* trode upon his Toe: it being twilight, this grew to a quarrell, and the Ambassador was slaine; *Kirby* was indicted of high treason, the indictment findes all this, and that it was only done *se defendendo*, and without malice. The Iudges, it being out of the statute of 25. *E.* 3. could not proceede; the Parliament declared it treason, and judgement afterwards of high treason, thet's nothing can bring this within the statute of 25. *E.* 3. but it concerns the honour of the Nation, that the publick faith should be strictly kept: It might endanger the traffick of the kingdome; they made not a Law first, they made the first man an example. This is in the Parliament Roll, 3. *R.* 2. *num.* 18. and *Hilary* Terme, 3. *R.* 2. *Rot.* 31. in the Kings Bench, where judgement is given against him.

In 11. *R.* 2. *Tresilian*, and some others attainted of treason for delivering opinions in the subversion of the Law, and some others for plotting the like: My Lords, the case hath upon another occasion been opened to your Lordship only this is observable, That in the Parliament of the 1. yeere of *Henry* the third, where all treasons are againe reduced to the Statute of 25. *Edward* 3. these Attainders were by a particular Act confirmed and made good, that the memory thereof might be transmitted to succeeding ages: They stand good to this day; the offences there, as here, were the endeavouring the subversion of the lawes.

My Lords, after 1. *Henry* the fourth, Sir *John Mortimer* being committed to the Tower upon suspition of treason, brake prison, and made an escape: This no way within any Statute, or any former Judgement at common Law; for this, that is, for breaking the prison onely, and no other cause, in the Parliament held the second yeere of *Henry* the sixth he was attainted of high treason by Bill.

My Lords, poysoning is onely murder; yet one *Richard Coke* having put poyson into a pot of potage, in the kitchin of the Bishop of Rochester, whereof two persons dyed, hee's attainted of Treason, and it was enacted that he should be boyled to death by the statute of 22. *H.* 8. *cap.* 9.

By the statute of 25. *H.* 8. *Elizabeth Barton*, the holy maid of *Kent*, for pretending revelations from God, that God was highly displeased with the King for being divorced from the Lady *Katherine*; and that in case he persisted in the separation, and should marry another

that'

that he would not continue King above one month after; becauſe this tended to the depriving of the lawfull ſucceſsion to the Crown, ſhe is attainted of Treaſon.

In the Parliament 2. and 3. *H.* 6. *cap.* 16. the Lord Admirall of England was attainted of Treaſon for procuring the Kings Letters to both Houſes of *Parliament*, to be good to the ſaid Earle in ſuch matters as he ſhould declare unto them, for ſaying that he would make the *Parliament* the blackeſt *Parliament* that ever was in England, endevouring to marry the Lady *Elizabeth* the Kings ſiſter, taking a bribe of *Sherrington*, accuſed of Treaſon, and thereupon conſulting with Counſell for him, and ſome other crimes, none of them Treaſon, ſo cleerely within the ſtatute of 25. *E.* 3. or any other ſtatute as is the caſe in queſtion.

My Lords, All theſe Attainders, for ought I know, are in force at this day; the ſtatutes of the 1. *H.* 4. and the 1. Queene *Mary*, although they were willing to make the ſtatute of the 25. yeere of *E.* 3. the Rule of the inferiour Courts, yet they left the Attainders in *Parliament* precedent to themſelves untoucht, wherein the *Legiſlative* power had been exerciſed. There's nothing in them whence it can bee gathered, but that they intended to leave it as free for the future.

My Lords, in all theſe Attainders, there were crimes and offences againſt the Law, they thought it not unjuſt, circumſtances conſidered, to heighten and adde to the degrees of puniſhment, and that upon the firſt offender.

My Lords, We receive, as juſt, the other Lawes and ſtatutes made by theſe our Anceſters: They are the rules we go by in other caſes, why ſhould wee differ from them in this alone?

Theſe (my Lords) are in part thoſe things which have ſatisfied the Commons in paſsing the *Bill*: but it is now left to the Judgement and Juſtice of your Lordſhips.

FINIS.

3/6/31

TREA
RO

Flatus,us,m.g. a puffe or blaft of wynde.
Flaueo, flaues, uere, to be yelowe golde or of yelowe colour.
Flauesco, idem.
Flauinium, a place in Italie.
Flauius,ij,the name of a family in Rome of the whiche was Vespasianus, Titus, and Domitian.
Flauus,a,um, yelowe or of the colour of golde.
Flebilis,le, lamentable.
Flebiliter, lamentablie.
Flecto, xi, ctere, to bowe, to bende, to leade, to tourne.
Indiuersum flectere, to bowe contrary wales
Inde Capuam flectit iter, he turned his iourney from thens to Capua.
Flectere animum, to attende, and settle the mynde on a thyng. Also to tourne the minde from any purpose.
Flectere genu, to make curtesye, to make a legge.
Flectere aliquem oratione, to perswade or tourne one to his opinion.
Flegma, looke Phlegma.
Flegmen,inis,neu.g. is where with much going the blaud issueth out of the toes.
Fleo,fleui,flere, to weepe.
Fletus,us,m.g. weepyng.
Abstergere fletum, to wype the eies whan one weepeth.
Fletum ciere, exitare, mouere, to make one weepe.
Prosequi natos fletu, to weepe and lamente the deathe of ones chyldren.
Fletus,a, um, lamented, bewayled.
Fle[illegible], one of the mouthes of the riuer of Rine.
[illegible] towne by the same ryuer.
Flexus Autumni, the later part of Autumne
Flexus,a, um, boowed, bended, tourned, crysped, curled.
Flictus,us,m.g. a strikyng or daschyng against a thyng.
Fligo, xi, ctum, ere, to tourmente or vexe, to stryke or dasche against a thyng.
Flo,aui,are, to blowe, also to make coyne of metall.
✣ Simul flare et sorbere, a prouerbe signifiyng to doo two contrary thynges together.
Floccifacio,feci,facere, to sette naught by.
Illum non floccifacio, I sette not a strawe, rushe or heare by hym.
Flocci non fecit fidem, he nothyng esteemed his credite or honestee.
Flocculus,li,m.g. a fyne flocke.
Floccipēdo,endi,ere,idem quod Floccifacio.
Floccus,i,m.g. a flocke of the shearing of woolen clothe.
Floccum facere, idem quod Floccifacere.
Floces, ipes or dyastes of wyne.
Flora, an harlot taken of the Romaines for a goddesse.
Floralia,orum,n.g.plu. the feastes of the goddesse Flora.
Floralis,le, pertenyng to Flora.
Florales ludi, playes made in the honor of Flora the harlot, which gaue a great treasure vnto the people of Rome.
Florens,entis,om. g. flourysshyng, excellente, beautifull, in great estimacion.
Aetate florentes ambo, bothe of them in the floure of theyr age.
Afflictus et florens, contrary.
Florente Antonio, whyle Antonie flouris[illegible] estimacion or authoritee.

tyme freshe or lustie. flouryshyng. lolse.

Florianus, an emperour of Rome.
Florilegus,a,um, that gathereth floures.
Florius, a ryuer in Spaine.
Florulentus,a,um, full of floures.
Flos,floris,m.g. a floure.
Apperit florem suum arbor, the tree doeth blossome.
Flores carpere,decerpere,legere,delibare, to gather floures.
In ipsa Græciæ flore, whan Greece moste of all flourished.
Florem amittit puella, cum corrumpitur.
Flos vini, the sauour of wyne.
Flos ætatis, the moste flouryshyng tyme of ones age, lustie youth.
Flos Italiæ, the floure or principall of all Italie.
Fluctifragus,a, um, that breaketh the waues of the sea.
Fluctio,onis, the reumne or pose.
Fluctiuagus,a,um, wandryng in ryuers, waters, or in the sea.
Fluctuans,antis, uncertaine,doubtfull, leuse.
Fluctuatim, troublously, doubtfully,lewsely.
Fluctuatio,onis,flotryng,doubting,uncertaintee, wauerynge.
Fluctuatio animi, whan a manne doubteth what is beste to be dooen, wauerynge, unconstancie of mynde.
Fluctuatio stomachi,whan the meate swimmeth in the stomacke.
Fluctuatus,a,um, shaken, tossed, moued.
Fluctuo,aui,are,to waue vp and downe as the water goeth. By translacion it signifieth to thynke nowe one thyng,nowe an other troubled or disquieted in mynde, to be vncertayne state or condicion

Fluidus,a,um, flowyng, relented, resolued.
Fluito,aui,are, to flowe continually, sometyme

Flumen,inis,n.g. a great ryuer. sometyme the course of the water.
Ne fluminis eius riui esset impedimento, that it myght not let the course of that ryuer
Increuerunt flumina, the waters were risen.
Nullius tantum est flumen ingenij, no man hath so aboundant or plentifull a witte.
Flumineus,a, um, of the ryuer.
Aqua fluminea, rennyng water.
Fluminosus,a,um, full of ryuers.
Fluo,xi,ere, to renne as water dooeth, to proceede or come of a thyng, to growe plentifully, to spreede farre abrode, to slyppe or slyde, to passe awaie.
Voluptas corporis fluit, pleasure of the bodie passeth awaie lyghtly, or is of no continuaunce.
Tempus fluit, the tyme passeth awaie.
Fluere luxu,to be vtterly geuen to riotte and wantonnesse, to swymme in sensualitee.
Fluit ratio a capite,reason proceedeth or cometh from the head.
Ad voluntatem nostram res prosperæ fluunt, thynges chaunce and come to passe euen as we woulde haue them.
Quorsum fluant eius rationes: what he dooeth intende or purpose in his proceedynges.
Fluonia, the name of Juno.
Fluor,oris,Fluxus,us,m.g. et, Fluctio,onis, f.g. a flyxe.
Fluctum,i,n.g. the full tyde in the sea or other water, whiche ebbeth and floweth.
Fluta, æ, fœ. ge. a fysshe lyke to an eele called a lampreye.
Fluuiales,le, of the ryuer.
Fluuiaticus,a,um,and Fluuiatilis,le, th- Phis

tyme freshe or lustie, flourysshyng, folie.

F ANTE L.

Fluidus,a,um, flowyng, relented, resolued.

